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Distributed by Broadfoot Publishing Company
Historical Times, Inc.
Morningside House

THE REPUBLICATION, in its entirety, of the *War of the Rebellion: Official Records of the Union and Confederate Armies*, is a service project undertaken by the National Historical Society in the interest of libraries and scholars who have long needed a reissue of this indispensable work. Each of the 128 volumes is published in full, including the *Index*, and all are heavily bound in buckram for long and continued use. This and other volumes of the set are available only from the National Historical Society.

ISBN 0-918678-07-2

LC No. 72-176712

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THE NATIONAL HISTORICAL SOCIETY
Harrisburg, PA 17105

Printed on 45 lb. Glatfelter Acid-Free
Paper by Edwards Brothers, Ann Arbor, MI 48106

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THE

WAR OF THE REBELLION:

A COMPILATION OF THE

OFFICIAL RECORDS

OF THE

UNION AND CONFEDERATE ARMIES.

PUBLISHED UNDER THE DIRECTION OF

The Hon. ELIHU ROOT, Secretary of War,

BY

BRIG. GEN. FRED C. AINSWORTH,

CHIEF OF THE RECORD AND PENSION OFFICE, WAR DEPARTMENT,

AND

MR. JOSEPH W. KIRKLEY.

SERIES IV—VOLUME III.

WASHINGTON:

GOVERNMENT PRINTING OFFICE.

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PREFACE.

The work of preparing the records of the war for public use was begun, under the resolution of Congress of May 19, 1864, by Col. E. D. Townsend, assistant adjutant-general, U. S. Army (then in charge of the Adjutant-General's Office, and subsequently the Adjutant-General), who caused copies to be made of reports of battles on file in his office and steps to be taken to collect missing records.

Under the provisions of joint resolution of July 27, 1866, Hon. Peter H. Watson was appointed to supervise the preparation of the records and to formulate a plan for their publication, but he performed no service under this appointment, which expired July 27, 1868, by limitation. This resolution having also repealed the former one, the project was suspended for the time being.

The first decisive step taken was the act of June 23, 1874, providing the necessary means "to enable the Secretary of War to begin the publication of the Official Records of the War of the Rebellion, both of the Union and Confederate Armies," and directing him "to have copied for the Public Printer all reports, letters, telegrams, and general orders, not heretofore copied or printed, and properly arranged in chronological order." Appropriations have been made from time to time for continuing such preparation. Under this act the preliminary work was resumed by General Townsend.

Subsequently, under meager appropriations, it was prosecuted in a somewhat desultory manner by various subordinates of the War Department until December 14, 1877, when the Secretary of War, perceiving that the undertaking needed the undivided attention of a single head, detailed Capt. Robert N. Scott, Third U. S. Artillery (subsequently major and lieutenant-colonel same regiment), to take charge of the office.

The act of June 23, 1874, enlarged upon the first scheme of publication. On this more comprehensive basis it was determined that the volumes should include not only the battle reports, correspondence, etc., in possession of the War Department, but also "all official documents that can be obtained by the compiler, and that appear to be of any historical value." Colonel Scott systematized the work, and, upon his recommendation, the Secretary of War approved the following order of publication:

The first series will embrace the formal reports, both Union and Confederate, of the first seizures of United States property in the Southern States, and of all military operations in the field, with the correspondence, orders, and returns relating specially thereto, and, as proposed, is to be accompanied by an Atlas.

In this series the reports will be arranged according to the campaigns and several theaters of operations (in the chronological order of events), and the Union reports of any event will, as a rule, be immediately followed by the Confederate accounts. The correspondence, etc., not embraced in the "reports" proper will follow (first Union and next Confederate) in chronological order.

The second series will contain the correspondence, orders, reports, and returns, Union and Confederate, relating to prisoners of war, and (so far as the military authorities were concerned) to state or political prisoners.

The third series will contain the correspondence, orders, reports, and returns of the Union authorities (embracing their correspondence with the Confederate officials) not relating specially to the subjects of the first and second series. It will set forth the annual and special reports of the Secretary of War, of the General-in-Chief, and of the chiefs of the several staff corps and departments; the calls for troops, and the correspondence between the National and the several State authorities.

The fourth series will exhibit the correspondence, orders, reports, and returns of the Confederate authorities, similar to that indicated for the Union officials, as of the third series, but excluding the correspondence between the Union and Confederate authorities given in that series.

The first volume of the records was issued in the early fall of 1880. The act approved June 16, 1880, provided "for the printing and binding, under direction of the Secretary of War, of 10,000 copies of a compilation of the Official Records (Union and Confederate) of the War of the Rebellion, so far as the same may be ready for publication, during the fiscal year;" and that "of said number 7,000 copies shall be for the use of the House of Representatives, 2,000 copies for the use of the Senate, and 1,000 copies for the use of the Executive Departments." Under this act Colonel Scott proceeded to publish the first five volumes of the records.*

*All subsequent volumes have been distributed under the act approved August 7, 1882, which provides that:

"The volumes of the Official Records of the War of the Rebellion shall be distributed as follows: One thousand copies to the Executive Departments, as now provided by law. One thousand copies for distribution by the Secretary of War among officers of the Army and contributors to the work. Eight thousand three hundred copies shall be sent by the Secretary of War to such libraries, organizations, and individuals as may be designated by the Senators, Representatives, and Delegates of the Forty-seventh Congress. Each Senator shall designate not exceeding twenty-six; and each Representative and Delegate not exceeding twenty-one, of such addresses, and the volumes shall be sent thereto from time to time as they are published, until the publication is completed. Senators, Representatives, and Delegates shall inform the Secretary of War in each case how many volumes of those heretofore published they have forwarded to such addresses. The remaining copies of the eleven thousand to be published, and all sets that may not be ordered to be distributed as provided herein, shall be sold by the Secretary of War for cost of publication with ten per cent. added thereto, and the proceeds of such sale shall be covered into the Treasury. If two or more sets of said volumes are ordered to the same address, the Secretary of War shall inform the Senators, Representatives, or Delegates who have designated the same, who thereupon may designate other libraries, organizations, or individuals. The Secretary of War shall report to the first session of the Forty-eighth Congress what volumes of the series heretofore published have not been furnished to such libraries, organizations, and individuals. He shall also inform distributees at whose instance the volumes are sent."

Colonel Scott died March 5, 1887. At his death some twenty-six books only had been issued, but he had compiled a large amount of matter for forthcoming volumes; consequently his name as compiler was retained in all the books up to and including Vol. XXXVI, although his successors had added largely to his compilations from new material found after his demise.

The Secretary of War, May 7, 1887, assigned Lieut. Col. H. M. Lazelle, Twenty-third U. S. Infantry, to duty as the successor of Colonel Scott. He had continued in charge about two years, when, in the act approved March 2, 1889, it was provided—

> That hereafter the preparation and publication of said records shall be conducted, under the Secretary of War, by a board of three persons, one of whom shall be an officer of the Army, and two civilian experts, to be appointed by the Secretary of War, the compensation of said civilian experts to be fixed by the Secretary of War.

The Secretary of War appointed Maj. George B. Davis, judge-advocate, U. S. Army, as the military member, and Leslie J. Perry, of Kansas, and Joseph W. Kirkley, of Maryland, as the civilian expert members of said board. The board assumed direction of the publication at the commencement of the fiscal year 1889, its first work beginning with Serial No. 36 of Vol. XXIV.

July 1, 1895, by direction of the Secretary of War, Maj. George W. Davis, Eleventh U. S. Infantry (subsequently lieutenant-colonel Fourteenth U. S. Infantry), relieved Maj. George B. Davis as the military member and president of the Board of Publication. Subsequently Col. Fred C. Ainsworth, Chief of the Record and Pension Office, War Department, was appointed the military member and president of the board, relieving Lieut. Col. George W. Davis June 1, 1898.

December 1, 1898, under the provision of the sundry civil act of July 1, 1898, relative to the War Records Office, the Board of Publication was dissolved, whereupon, by direction of the Secretary of War, the continuance of the work, beginning with Vol. VI, Series II, devolved on Colonel (now Brigadier-General) Ainsworth.

By operation of law (contained in "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1900," approved February 24, 1899), the War Records Office was merged into the Record and Pension Office, July 1, 1899, and since that date the work of publication has been conducted under the supervision of the chief of that office.

Each volume includes a copious index, and for the further convenience of investigators there will be, in addition, a separate general index to the entire set.

Nothing is printed in these volumes except duly authenticated contemporaneous records of the war. The scope of the compiler's work is to decide upon and arrange the matter to be published; to correct and verify the orthography of the papers used, and, wherever deemed necessary, to add a foot-note of explanation.

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SERIES IV.—VOL. III.

CORRESPONDENCE, ORDERS, REPORTS, AND RETURNS OF THE CONFEDERATE AUTHORITIES FROM JANUARY 1, 1864, TO THE END.

[JANUARY 2, 1864.—For Forrest to Cooper, in relation to raising troops in West Tennessee, see Series I, Vol. XXXII, Part II, p. 512.]

[JANUARY 2, 1864.—For memorial signed by General Cleburne and others, in relation to freeing the slaves and enlisting them as soldiers, with resulting correspondence, see Series I, Vol. LII, Part II, pp. 586, 593, 594, 596, 598, 606, 608.]

GENERAL ORDERS, No. 1. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 4, 1864.*

I. If immediately after the death of an officer there be no family connection or legal representative present to whom the officer charged by the Ninety-fourth Article of War with securing his effects may deliver them, he will turn them over, under the provisions of paragraph III, General Orders, No. 67, 1863, to the quartermaster of the regiment or post, as the circumstances may indicate to be proper.

II. Surgeons or assistant surgeons in charge of hospitals will, upon the death of a soldier in hospital, furnish the Second Auditor of the Treasury a statement from their rolls showing the last payment preceding his death made to such soldier.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 4, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: The letter of His Excellency Governor Brown,* transmitting to you the resolutions of the General Assembly of the State of Georgia, declaring—

That believing it to be the constitutional right of all soldiers who went from Georgia through the agency of the State to elect their regimental, battalion, and

* See Vol. II, this series, p. 1062.

company officers, we request our Representatives in Congress, as a proper appreciation of the patriotic devotion, patience, and toil of our gallant soldiers in this sanguinary struggle for independence, to use their zealous efforts to procure, at the earliest practicable day, such a change in existing Confederate laws as shall secure the right of all regiments, battalions, and companies in the Confederate service from this State to elect all their regimental, battalion, and company officers,

has been referred by you to this Department, and has been respectfully considered. This claim was presented by His Excellency to this Department in several communications, which are submitted, together with the response of the Department to the claim as made by him.

His Excellency does not deny that the action of this Department has been in accordance with the legislation of Congress, and this Department has not considered it to be its duty to vindicate to him at large that legislation as being in accordance with the Constitution. It is proper, however, for it to say that it did not entertain doubt on the subject, and had no scruple in conforming its administration to the will of Congress.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 4, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina, Raleigh, N. C.:

SIR: Your letter of the 29th ultimo, with the resolutions of the Legislature of North Carolina relative to impressments in that State, has been received.* The Department has taken the utmost care, by its general orders and by its instructions in writing and otherwise, to mitigate as far as practicable the evils consequent upon the execution of the law relative to impressment. These orders provide that necessary supplies which any person may have for the consumption of himself, his family, employés, slaves, or to carry on his ordinary mechanical, manufacturing, or agricultural employments, shall not be impressed, and until further orders, which will not be given unless under imperative exigencies for the supply of the Army, not to impress necessaries of subsistence to man owned by producers in transitu to market, or after arrival at market, unless retained an unreasonable time from sale to consumer. The seventh section of the act of Congress of 26th of March last, which has been published as a part of the instructions, requires that the supplies to be exempt as family supplies shall be ascertained by appraisers, and that the judgment of the appraisers is to be conclusive on the impressing officer. Each citizen claiming to hold the property impressed for his family supply is entitled to claim the benefit of an appraisement and to designate one of the appraisers who shall act with an appraiser to be appointed by the impressing officer, and who is entitled to aid in the selection of an umpire in case of their disagreement. The Department has enjoined upon the Commissary Department that the power intrusted to it should be employed with discrimination and care, and that all the directions of the act of Congress and of this Department for the execution of the act should be scrupulously fulfilled. This Department is constantly employed in correcting irregularities in the execu-

*See Vol. II, this series, p. 1066.

tion of these regulations, and the eleventh section of the act furnished a remedy to every citizen aggrieved. In the report from this Department which has been submitted to Congress, a copy of which is sent to Your Excellency with this letter, you will find a statement of the difficulties under which the Government labors in providing for the subsistence of the Army, and how much of the evils complained of is the result of inexorable necessity.* The Department has heretofore, and will in the future exert itself to confine these evils within the exact limits of that necessity.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 2. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 5, 1864.*

For the information of all concerned, and to correct prevalent misapprehension, it is announced that there exists no mandatory provision of law securing to enrolled conscripts the right to choose in what company or regiment they will serve. They cannot be assigned to companies from other States, and in general their wishes are to be consulted as to the choice of companies, where no considerations for the good of the service intervene to prevent compliance. Assignments once made by commandants of conscripts in good faith, in the exercise of their discretion, will not be considered as fit subjects for complaints.

By order:

S. COOPER,
Adjutant and Inspector General.

AN ACT to continue in force an act entitled "An act to provide for the compensation of certain persons therein named," approved May the first, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That the act entitled "An act to provide for the compensation of certain persons therein named," approved May the first, eighteen hundred and sixty-three, which, by its own limitation, would expire on the first of January, eighteen hundred and sixty-four, be, and the same is hereby, continued in force until the first of January, eighteen hundred and sixty-five.

Approved January 6, 1864.

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, January 6, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Unless the planting interest in the South can be carried on successfully the armies of the Confederacy cannot be supported. Without iron the planting interests cannot be profitably carried on.

* See Vol. II, this series, p. 990.

Alabama has an immense quantity of iron ore, and many of her people are making iron, but all or nearly all have contracts with the Confederate Government to deliver all they make to the Government authorities. The consequence is that the planters, even in the best iron regions of the State, cannot get enough iron to make and repair their agricultural implements. Now, sir, the object of this communication is to ask that the contractors be authorized to sell to planters some of the iron they make. I have numbers of letters showing the necessity for such instructions to your contractors and agents. It is useless to enlarge on a subject which must be fully appreciated at a glance by the Secretary of War. Will you grant this right?

I have the honor to be, your obedient servant,

T. H. WATTS,
Governor of Alabama.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, January 6, 1864.

Governor VANCE:

I regret to learn that because of an interest of your State in the steamer Don, objection is made to its conforming to the regulation about taking out Government cotton. The necessities of the Government really require adherence to this regulation, and I earnestly hope that you will not encourage or allow in your name the infringement of it.

J. A. SEDDON,
Secretary of War.

RICHMOND HOUSE,
Richmond, January 6, 1864.

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

DEAR SIR: I beg leave to call your attention to a weak point in the enemy's lines to which your mind may not have been directed. I allude to the Irish element in the Northern population. A resident of twenty years in Philadelphia, seventeen of which I was a wholesale bookseller, publisher, &c., and having quite a number of that class in my employment in binding, printing-office, and store, coupled with the fact that my parents were natives of Ireland, naturally created in my mind a sympathy for them, more especially as they were, about the time of my going to Philadelphia, objects of bitter and most intense persecution by an ignorant band of bigots. The interest I felt and manifested for them soon gave me quite an extensive acquaintance among them. I merely mention this fact to show you that my estimate of their character and knowledge of their views upon our question is not based upon superficial information. As soon as civil war seemed inevitable I began the tedious task of selling out and collecting, in order that I might hasten to this my native place. The regular routine of business broken up, I had much leisure time, which I used to the best advantage for the furtherance of our cause. Partly from the calls of business, together with a desire to see and converse with the Irish operatives in the coal mines of Pennsylvania, I visited during the summer of 1861 the counties of Lehigh, Carbon, Schuylkill, Berks, &c. I asserted that the native American and Know-Nothing were identical with the Black Republican party. I reminded them

that the former had burned their churches in 1844; the Know-Nothing party had proscribed every man who had a Mc or an O to his name during the winter of 1857 and 1858, driving many thousands of families into starvation during the continuance of that short but certainly most severe financial storm which raged throughout the North at that period. Failing to accomplish their full purpose at each of these times by reason of the steady opposition of the South, and especially Virginia, where Know-Nothingism met its death, they changed their name and tactics, and by a loud outcry for the negro, for whom they had no real sympathy, but used him as a weapon against both the Irish and the South—their chief aim and object being to free the negro as far as they could, bring him North, put him in competition with the white labor, believing that they would work cheaper than the Irish, and, above all, they would not be permitted to vote. The effect of these short conversations, I can assure you, were most happy, and what added point to my argument was that many of these men had been driven from places of public employment during the winter of 1857 and 1858 by the Know-Nothing party, which was then in power in the select and common councils of Philadelphia. After the first battle of Manassas, T. F. Meagher came to Philadelphia to drum up recruits for his Irish Brigade. He made a capital speech; I feared a telling one. I worked night and day to neutralize his speech. His treatment of the Irish girl who aided him in making his escape from Australia, and his subsequent marriage with a Yankee girl, was an admirable argument against him, which I failed not to use on every occasion. The result was he obtained but few recruits in Philadelphia—not more than a corporal's guard. I mention these circumstances to show you that the great body of Irish at the North feel a deep interest in our success, more especially in Pennsylvania, where they have been subjected to bitter persecution. Although I am an elder in the Presbyterian Church, yet I had conversations with quite a number of Roman Catholic priests at the North, all of whom, with one exception, expressed the utmost confidence and sympathy in our success. Private letters which I received from James A. McMaster, editor of the Freeman's Journal, allude to the efforts which the North were making most cunningly to identify the South with these objectionable parties; a fact that I had noticed such artists, with those who had any knowledge of the subject, would awake only a feeling of indignation and contempt; but we know there are many Irish (those but recently arrived) who would believe the statement; and I have no doubt that the burning of the convent at Charlestown, Mass., by a mob has ere this been located at Charleston, S. C.

I owe you an apology for thus troubling you with this communication, but I do it from the best motives for our good. The views generally met the cordial approval of Hon. James A. Bayard, of Delaware, and Hon. Charles Brown, of Philadelphia, with the latter of whom I had frequent interviews before I left, March, 1862. In your judgment you may see some plan by which this party might be strengthened and encouraged by some complimentary allusion to the Irish in our Confederacy.

Begging pardon for the liberty I take, I remain, dear sir, yours, very respectfully,

S. C. HAYES,
C. S. Register's Office.

After writing the above my attention was attracted by a letter from Mr. Smith O'Brien in the Sentinel, which I concluded to read before I

sent this, thinking possibly that the same suggestions I make might meet your eye in a more agreeable form. I see nothing, however, in the letter or the editorial but additional evidence to my mind that we ought now to have the very best writers in the Confederacy engaged either as editors or regular contributors to the press. I have seen the evil effects flowing from the editorial attacks upon Mr. Benjamin in the Richmond papers. Mr. Chase, I have no doubt, had much cause to thank the Richmond editors for applying the name Jew as a term of contemptuous reproach to our Secretary of State, for large subscription to his 7.30 stock was made immediately by this very class at the North, some of whom remarked to me in the streets of Philadelphia, "Puritanism is worse at the South than in New England." Hon. James A. Bayard, of Delaware, in a conversation I had with him in February, 1862, remarked that if President Davis could obtain the cordial support of all the papers of the South, which he richly deserved, the war would close in six months, but that the silly attacks in the Richmond press tended to prolong the struggle, as it gave point to the abolitionists, who claim that there is a large Union element at the South. I feel very great hesitation in sending this to you, but I think it can certainly do no harm, except it be adding additional trouble to you in reading it.

Yours, very respectfully,

S. C. HAYES,
Register's Office, Richmond House.

[First indorsement.]

General Bragg for consideration.

J. D.

[Second indorsement.]

HDQRS. ARMIES OF THE CONFEDERATE STATES,
August 22, 1864.

Respectfully returned to His Excellency the President.

This paper contains suggestions which I deem valuable and practicable. The employment of some judicious person to operate on this class of people through our own press and that of the North would no doubt be attended with good results. In this connection I suggest the printing in English, German, and French a large number of the recent general orders inviting foreigners in the Federal ranks to come to us and offering them protection. With care many of these papers could be introduced into the enemy's lines.

BRAXTON BRAGG.

[Third indorsement.]

AUGUST 24, 1864.

Secretary of War for consideration and conference.

J. D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 6, 1864.

Hon. C. J. MCRAE,
Burlington Hotel, London, England:

SIR: Hon. J. E. Ward, of Georgia, has submitted to the Department plans suggested by certain capitalists in London, who are large holders of cotton bonds, to which he has sought my approval. The plan contemplates in substance that the bondholders subscribe 10 per cent. of

the amount held by them, to be appropriated to the purchase or construction of steamers, which are to be turned over to the Confederate Government on condition that, being sailed at the expense of the Government, they shall be employed in transporting cotton to England, which shall there be sold and the proceeds applied, one-fourth to the payment of the cost of the steamers; one-fourth to be applied to keeping up the number of steamers, and the residue to the payment of the bonds held by the subscribers to the fund. The Government running the boats is to have the control and use of them for return cargoes. These are the leading features.

There are some stipulations of minor character to the approval of Messrs. De Vaux & Co., the parties selected as the consignees of the cotton and the agents of the subscribers, which would require modification, as the dignity of the Government would require such matters to be left to its own control and good faith. The general scheme, as you will perceive, is addressed rather to the discretion of the Secretary of the Treasury, who must determine the time and mode of discharging the cotton bonds, than to myself, from whom only an expression of opinion has been sought by Mr. Ward. I have no hesitation in saying that such a plan would be beneficial, in my judgment, and I deem it probable you have received, or will receive, from the Secretary of the Treasury some expression of like general approval. It would, of course, be even more acceptable if some portion of the proceeds of the cotton sent out in these vessels could be appropriated to the more immediate and pressing necessities of the Government; but as the vessels would be furnished without expense to us, and an adequate return for the charge of running them would be afforded by the return cargo, and as, moreover, the whole proceeds of the cotton would in one form or another inure to the benefit of the Government, it does not appear to me that the point could in equity be insisted on. You will, of course, endeavor to obtain it if practicable.

On another point, however, there should be a clear understanding, and that is, that while the Government will use all reasonable efforts to supply the cotton to these vessels promptly and regularly, if, through deficiency of transportation or otherwise it should be unable to provide at our ports the cotton which it has the means of sending out directly for its immediate necessities, and likewise the cotton required for these steamers, preference will be given to the export of the former. The reasonableness of this, it is expected, will be seen and acquiesced in. These are at best but opinions expressed in a matter not strictly subject to my direction, but only collaterally connected with the business which has been thrown on this Department. They will, of course, not be regarded by you as instructions. So far as I am concerned, the matter is cheerfully left to your discretion, acting under the more direct instructions, whatever they may be, which may be given by the Secretary of the Treasury.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 5. } ADJT. AND INSP. GENERAL'S OFFICE, *January 7, 1864.*

* * * * * * *

XV. Paragraph XVIII, Special Orders, No. 298, and paragraph XVIII, Special Orders, No. 300, Adjutant and Inspector General's

Office, December 1 [16 and 18], 1863, are amended so as to retain temporarily on duty in the conscript service the officers and men hitherto under the orders of Brigadier-General Pillow in the States of Tennessee, Alabama, and Mississippi who have not already been relieved.* They will receive orders from Col. John S. Preston, chief of Bureau of Conscription.

XVI. Brigadier-General Pillow is allowed such time as may be necessary to adjust the unsettled matters pertaining to his late duties before reporting to the general commanding the Army of Tennessee.

* * * * * * *

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS CHALMERS' CAVALRY,
Near Como, January 7, 1864.

Hon. CHARLES CLARK,
Governor of Mississippi:

DEAR SIR: I hear of several persons here who profess to have authority from you to raise regiments for service of the State of Mississippi, and they claim the right to enlist conscripts in their command. Col. John R. Dickins, Col. William Nesbitt, and Capt. Williamson Hunt are the parties alluded to. I know Colonel Dickins well, and know him to be a good soldier and most excellent officer, and would be most pleased to see him in command of a regiment if he could obtain it legally; but so long as I am in command here, with the law and orders now before me, I cannot permit any more conscripts to enter the State service; and as I do not wish any misunderstanding or bad feeling to grow up between you and myself, I address you on the subject direct. General Pemberton established a line running through Panola, Oxford, and Fuller, and authorized the enlistment of conscripts into State companies north of that line, to be retained during the term for which the State troops were enlisted, unless sooner called for by Confederate authorities. General Pillow, by order issued September 6, 1863, abolished that line and forbid the enlistment of any more conscripts in any new commands, whether State or Confederate. General Johnston issued an order directing that General Pillow's orders should be obeyed in all matters concerning conscripts; and Major-General Lee issued an order some time about September 16, 1863, directing that no addition should be allowed to the rolls of State troops then in service. You are aware that the conscript law does not permit any such enlistments, and I hope, therefore, you will instruct your officers not to enlist any conscripts in their commands, or attempt to do so.

Capt. Williamson Hunt imposed upon Governor Pettus with a muster-roll of a company which he never could assemble in camp, and I refused to recognize the little squad that he had as a company, and some of the men entered the Confederate service. Hunt now claims these men under orders from you. I have not seen his orders, but could not allow any such order to be enforced if he has it without instructions from the Secretary of War. There are some other companies here—Captain Floyd, Captain Perry, and others—who claim sometimes to belong to Mississippi State service and sometimes to one Colonel Collins, authorized by the Secretary of War to

* See Series I, Vol. XXXI, Part III, pp. 836, 844.

raise a regiment within the enemy's lines. The men and officers all formerly belonged to Colonel Blythe's old regiment, the term of service of which, according to the representation of both men and officers, was for twelve months. That term of enlistment has long since expired, and no authority has ever been granted to them to re-enlist in State service. There are some good men among these companies, but the great majority are simply seeking some hiding-place from conscription, and never will do any service as cavalry, or while they remain so close to their homes, and the best interest of the service requires that they should be conscripted and put in the infantry. You are an old soldier, and I know appreciate the necessity for discipline, and it would require but a few days of personal inspection to satisfy you that these State companies have done more harm than good. I do not include in this remark Colonel McGuirk's regiment—that has done good service—but both he and his officers have long since been convinced that the regiment would be more effective if it were regularly in Confederate service, where they would be subject to the same courts-martial and the same rules and regulations in all respects as Confederate troops.

I am, sir, with sentiments of regard, your obedient servant,

JAS. R. CHALMERS,
Brigadier-General, Provisional Army, C. S.

[Indorsement.]

HEADQUARTERS,
Jackson, Miss., January 19, 1864.

Respectfully forwarded with the remark that I consider it to the interest of our cause that definite instructions be given the State officers relative to conscripts, as there are many men in North Mississippi liable to conscription and claiming exemption as belonging to State organizations.

S. D. LEE,
Major-General.

SOUTHERN DIVISION, MISSISSIPPI CENTRAL RAILROAD,
Canton, January 7, 1864.

Lieut. Gen. L. POLK, C. S. Army:

DEAR SIR: In addition to what I have written over my private signature, I have to state officially that this road is almost destitute of materials and tools for repairs and for operating the road. Nearly all we possessed was destroyed in August last by the Federal troops. We must have steel axes, shovels, files, &c., or soon discontinue our trains. In fact, I may be compelled to stop our trains north of the Yalobusha River within a week for want of axes, or materials to make them of, to cut fuel. We are equally in want of shovels to keep our track in running order. I cannot obtain them, or have not been able to do so after many trials, within the Confederacy. I can procure from within the Federal lines if I can obtain means of payment. To procure these means I must send out cotton or purchase Federal currency, giving $10 of our currency for $1 of theirs. By purchasing greenbacks I discredit and depreciate Confederate notes, and still I am compelled to obtain a supply of the articles referred to or discontinue the running of our trains very soon. It is for the authorities to determine if our road is useful and necessary to the Government.

Our business is almost entirely confined to Government transportation. Will you grant me permission to send out cotton to purchase necessary railroad supplies?

Yours, respectfully,

W. GOODMAN,
President.

[First indorsement.]

HEADQUARTERS,
Meridian, January 21, 1864.

Respectfully forwarded for reference to the Honorable Secretary of War.

I can see no sound reason why we should not use our cotton to purchase supplies we cannot get otherwise. We have reached a point, in my opinion, at which the hazard of greater evils than any which may follow from selling cotton are threatening us.

L. POLK,
Lieutenant-General.

[Second indorsement.]

FEBRUARY 2, 1864.

May be considered when law regulating exports is to be adjusted.

J. A. S.,
Secretary.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, N. C., January 7, 1864.

Hon. J. A. SEDDON:

DEAR SIR: Your dispatch of the 6th, asking me not to object to making the steamer Don conform to the regulations of the Confederate authorities in regard to transporting Government cotton, requires a more detailed reply than I can transmit by telegraph.

I have now at Bermuda and on the way there eight or ten cargoes of supplies of the very first importance to the Army and the people, consisting chiefly of some 40,000 blankets, 40,000 pair of shoes, large quantities of army cloth and leather, 112,000 pair of cotton cards, machinery and findings to refit twenty-six of our principal cotton and woolen factories, dyestuffs, lubricating oils, &c., in addition to which I have made large purchases of bacon. Knowing that one steamer could not bring these cargoes in before spring, at which time I anticipate the closing of the port, if not sooner, and that the risk was increasing daily, I sold one-half of the State's steamer Advance, and purchased of Messrs. Collie & Co. one-fourth interest in four steamers—the Don and the Hansa, and two others now building—for the purpose of hurrying these supplies in. The terms give the State one-fourth the outward cargo and the whole of the inward, nothing being carried for speculation whatever. The Hansa, which recently left Wilmington, not having coal enough to take her to Bermuda, where my freight is, was instructed to load at Nassau with Confederate bacon, so determined was I that the whole capacity of these steamers should be employed for the public good. In return for this Messrs. Collie & Co. did expect they would be relieved from the burden of giving one-third of their outward capacity to the Confederate Government, and I did also. Should one-third be given to the Confederacy and one-fourth to the State outward, and to the latter the whole of the return cargo, I submit that it would amount to a prohi-

bition of the business. Neither would it comport with justice or sound policy.

It is a little remarkable to me that the entire importing operations of this State, which have been so successful and so beneficial to the cause, seems to have met with little else than downright opposition rather than encouragement from the Confederate Government. In its very inception Mr. Mason, our commissioner in England, laid the strong hand on my agents, and positively forbade them putting a bond on the market for five months after they landed in England. Then came vexatious and irritating quarantine delays at Wilmington (enforced by the military, not the civil authorities), though our foreign depot was, at great cost and inconvenience, made at Bermuda instead of Nassau to avoid this. Then seizures of my coal at Wilmington occurred, and the denial of facilities to get it from the mines, &c. It was not until after my decided remonstrance to you in November that I met with anything else than an evident hostility in the operations of my steamers. And now, if the regulations in regard to private blockade-runners are enforced, I think it highly probable that this line will be stopped entirely, as the profits will scarcely justify the risks. A great deal of this, I am aware, is attributable to the want of discretion on the part of subordinate officers, as well as the want of foresight displayed in the opposition of every industrial interest of the country by army officers, yet I have had it to contend with.

After this statement I leave it with you to say whether the regulations referred to shall be enforced. If they are, I shall certainly countermand the sailing of the two other steamers now expected, and would suggest for the benefit of the Department that it would be much better to purchase than to seize an interest in the property of strangers who are engaged in bringing in indispensable supplies through a most vigorous and dangerous blockade.

Very respectfully, your obedient servant,

Z. B. VANCE.

[JANUARY 7, 1864.—For Polk to Watts, in relation to the raising of State troops to support the Confederate forces in the defense of Alabama, see Series I, Vol. XXXII, Part II, p. 529.]

[JANUARY 8, 1864.—For Davis to Vance, in relation to peace negotiations with the enemy, see Series I, Vol. LI, Part II, p. 808.]

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 3. } *Richmond, January 9, 1864.*

I. The following acts of Congress and regulations are published for the information of all persons concerned therein:

ACTS.

AN ACT to prevent the enlistment or enrollment of substitutes in the military service of the Confederate States.

The Congress of the Confederate States of America do enact, That no person liable to military service shall hereafter be permitted or allowed to furnish a substitute for such service, nor shall any substitute be received, enlisted or enrolled in the military service of the Confederate States.

Approved December 28, 1863.

AN ACT to put an end to the exemption from military service of those who have heretofore furnished substitutes.

Whereas, in the present circumstances of the country, it requires the aid of all who are able to bear arms: [Therefore,]

The Congress of the Confederate States of America do enact, That no person shall be exempted from military service by reason of his having furnished a substitute; but this act shall not be so construed as to affect persons who, though not liable to render military service, have, nevertheless, furnished substitutes.

Approved January 5, 1864.

II. Persons rendered liable to military service by operation of the preceding acts are placed on the same footing with all others hitherto held liable by acts of Congress.

III. Persons herein rendered liable to military service are required to report as volunteers or conscripts without delay to the enrolling officers; and all who delay beyond the 1st day of February, 1864, will be considered as having renounced the privilege of volunteering, and held for assignment according to law.

IV. Enrolling officers will proceed as rapidly as practicable in the enrollment of persons herein made liable to military service. Previous to enrollment as conscripts all such persons will be allowed to volunteer in companies in service on the 16th of April, 1862; provided the company chosen does not at the time of volunteering reach the maximum number allowed; and upon such company being selected the volunteer will receive from the enrolling officer a certificate to the effect that he has so volunteered; and no volunteer will be received into any company except on such certificate. Persons who fail to make their selection at the time of enrollment will be assigned according to existing regulations.

V. Persons who report to the enrolling officers will be enrolled and may be allowed a furlough of ten days before reporting to the camp of instruction.

VI. All persons, whether volunteers or conscripts under this order, will pass through the camp of instruction of the State to which they belong, and be forwarded thence to the companies which are selected or to which they may be assigned.

VII. The Bureau of Conscription is charged with adopting proper regulations for the enforcement of this order.

VIII. All exemptions heretofore granted are subject to revision under instructions from the Bureau of Conscription, and if found to be improper or unauthorized by law will be revoked.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *January 9, 1864.*

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: I have the honor to acknowledge yours of the 20th ultimo, transmitting a copy of resolutions passed by the General Assembly of Georgia, "expressing the determination to prosecute the present war with the utmost vigor and energy."* After nearly three years of war and its attendant calamities this reaffirmation by the people of Georgia of the noble purpose which they announced at the commencement of the conflict is a cheering proof of their true appreciation of

*See Vol. II, this series, p. 1060.

the importance of the struggle in which we are engaged, and of the spirit and resolution which alone can secure to us its successful issue. This high spirit and undaunted resolution have marked the conduct of the people of Georgia since the beginning of the war—have been illustrated on many battle-fields, and have found expression at every fireside throughout the State.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

HEADQUARTERS GEORGIA STATE GUARD,
Atlanta, January 9, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: The importance of providing for the state of things that will arise the first of next month when the State Guard go out of service must be my apology for again calling your attention to the subject.

As you are aware, many of the men now in the State Guard will be liable to conscription under the late act of Congress and many others expect to be made so by the anticipated action of Congress. In this state of things I am strongly persuaded that a very respectable command could be got out of these troops for the war if I could be authorized to organize new companies and regiments. If the authority could be granted immediately I would set to work and have the new organizations ready to take the place of the State Guard. The authority should be to organize companies and regiments from any of the troops now in the State Guard service.

I know that the policy of the Government is to fill up the ranks of the old regiments in the field, and in many respects it would be far better, but when you remember the character of those who have heretofore had substitutes you will understand how reluctant they will be to go into the ranks of the old regiments. Our object should be to make the service as acceptable as possible to all our soldiers. Men make better soldiers and do all their duties far better when they feel content and satisfied than when forced against their will to serve with those with whom they feel no sympathy. My own opinion is that we would get more soldiers and better ones by allowing new organizations to be formed, but I do not put this application upon that ground. The old organizations should be filled up as far as possible, but there are many cases in which it would be better to allow new ones to be formed among those who are going for the first time into the regular service. Be this as it may, I am sure that the authority I now ask for affords the most certain and satisfactory mode of meeting the exigency that will arise on the expiration of the term of service of the Georgia State Guard on the 1st of February. The time is short and hence I ask that you answer by telegraph, as well as letter, if you grant the authority. I strongly recommend it.

I am, with sentiments of sincere regard, very truly, yours, &c.,

HOWELL COBB,
Major-General, &c.

[First indorsement.]

JANUARY 16, 1864.

Respectfully submitted to the President.

The views of General Cobb differ from those I entertain, yet such confidence is felt both in his judgment and patriotism that I prefer

submitting the matter to the consideration and decision of Your Excellency. It will be noted an early reply is requested.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

The law forbids. A recent resolution of Congress is on the point.

J. D.

[JANUARY 9, 1864.—For Polk to Cooper, in relation to raising troops in the enemy's lines, see Series I, Vol. XXXII, Part II, p. 540.]

GENERAL ORDERS, No. 4. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 11, 1864.*

I. AN ACT authorizing the tax in kind on bacon to be commuted by collection of salt pork as an equivalent.

The Congress of the Confederate States of America do enact, That assistant quartermasters and other agents engaged in the collection of tax in kind may be authorized, under orders and regulations made by the Secretary of War, to demand and receive, in commutation for the tax in kind on bacon, an equivalent therefor in salt pork.

Approved December 28, 1863.

II. The foregoing act of Congress being now in force, the officers mentioned in the act are hereby authorized to demand and receive, in commutation for the tax in kind, an equivalent in salt pork. In estimating what shall be an equivalent reference shall be made, as far as practicable, to the schedule rates established by the appraisers appointed under the fifth section of the act of Congress relative to impressments. But the Quartermaster-General may direct a variation from those rates and settle others, in such localities as a variation may be deemed advisable, for the interest of the public service.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 8. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 11, 1864.*

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XXVIII. Lieut. Col. R. Snowden Andrews, artillery, Provisional Army, C. S., will proceed to Europe and report to Col. T. S. Rhett as an associate in the duties which he has been ordered to perform.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Tallahassee, January 11, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I am informed by the judges of probate and county commissioners of several counties in the State that they cannot procure the

corn necessary to support the soldiers' families. I am also informed that large amounts of corn have been collected as tithes at various depots which cannot be transported from the State before it will be seriously damaged, and that the amount is more than is sufficient to sustain the troops now in service in the State. Presuming the facts stated to be true, there are two reasons why I should be pleased to receive from Colonel Northrop an order upon his officers, at points in the State where it can be spared, to deliver to my order for the use of soldiers' families an aggregate of 10,000 or 12,000 bushels of corn upon payment of the amount per bushel at which its value has been fixed by the commissioners of the State and Confederate States. It will prevent a loss to the Confederate Government and will save the families of soldiers from suffering. The question may be asked, Is there not corn in the State sufficient for the wants of the citizens besides that received as tithes? And if the Government shall need corn during the year, can it be obtained? I believe there is corn enough in parts of the State for the general supply, and if the Government shall now spare the corn from the tithes, that hereafter a larger amount may be obtained from the farmers if needed. If it is asked why it is not purchased by the county commissioners from those who have it, the reply is that county commissioners have no legal right to impress, and therefore cannot purchase. I admit that this is an unhappy state of affairs, but it is beyond my control. My opinion is that if the soldiers' families were supplied as I propose, many who now hold and refuse to sell their corn would be glad to sell at less than prices now affixed, and if needed by the Confederate Government they would necessarily be compelled to sell to avoid impressments, and that the corn and subsistence received as tithes, which the Government has not the means of transporting, should be used to sustain the troops in service here and the families of soldiers that require assistance, and then if there shall be a need for more, those who have to spare should be made to do so unless they willingly supply the demands of the Government. From personal observation lately made, I am enabled to state that there are immense quantities of provender, especially in Southwestern Georgia, awaiting transportation and being injured and lost to the Government for the want of means to transport it. Hundreds, perhaps thousands, of bales of fodder have already been injured and useless. To remedy the evil, why should not the Government, by contract or impressment, take charge of the passenger trains a few weeks, remove the seats, and transport in them the provender and subsistence needed by our armies, which is being injured and lost for the want of transportation? Recently I have received communications from General Perry's brigade, copies of which are inclosed. In a letter addressed to the President, dated October 5, 1863, I wrote, in consequence of General Lee's letter to me, as follows:

> With regard to the return of General Perry's brigade and the recruiting of it as proposed, I would respectfully suggest, in compliance with the views of General Lee for supplying the place of General Perry's brigade with other troops, that the First Regiment of Georgia Regulars and the Sixty-fourth Georgia Regiment, now in this State, would constitute a larger force than General Perry's brigade, and if General Cobb had not been absent from the State when I received General Lee's letter I should have submitted to his consideration the propriety and necessity of the change.

The regiments were suggested because I believed them to be better drilled and better qualified to supply the place of General Perry's brigade than any other I could suggest. The Sixty-fourth Regiment

has been ordered to Savannah, and I am informed the First Regiment has received orders to hold itself in readiness for immediate removal beyond the State. I would respectfully insist, in justice to the brigade and for the defense of the State, that General Perry's brigade should be ordered immediately to Marianna, in West Florida, if it is possible to spare it a few months from General Lee's command. The reasons why I designate Marianna are—

First. Because in the counties bordering on the Gulf, and especially in Washington County, there are many deserters and many persons who have fled from other States to avoid conscription. These persons have contaminated a large portion of the citizens, and constant communication is kept up with the enemy, who is massing forces on Santa Rosa Island, evidently with the purpose of making a raid in that portion of the State, which is comparatively defenseless. The sheriff of the county and others who are persons of influence have gone to the enemy, carrying with them their horses, &c., and will pilot them in any raid which may be attempted. I assert this to be true with a full knowledge of the facts. I entertain no doubt that unless preventive measures shall be promptly adopted that the portion of the State between the Apalachicola and Choctawhatchie Rivers will be desolated by the enemy during the winter. It is now threatened, and the freshet in the Apalachicola at this time would prevent re-enforcements from this portion of the State.

Second. I believe a greater number of recruits would be more promptly received to fill up the brigade, especially if newly organized companies should be assigned to the brigade.

I would, moreover, respectfully invite your attention to the accompanying correspondence between Maj. P. W. White and myself. I see no propriety or justice in able-bodied men who are subject to conscription being shielded from military service by being appointed agents to make impressments. Those who are subject should be conscripted. If impressing agents shall be necessary, let them be men not liable to military service or be detailed for the purpose. Young and able-bodied men should not be screened from military service by being employed in the Quartermaster's and Commissary Departments. Nothing but positive orders will bring them into service. The slightest discretion permitted to those who have appointed them will devise pretexts to retain them in service. Old men and disabled soldiers should perform these light duties, but no old man or disabled soldier will ever be deemed qualified by a quartermaster or commissary while he has a favorite which he desires to retain in his employment. In these departments radical changes can only be effected by positive orders and frequent and rigid inspections. The corruptions of office manifested by suddenly acquired wealth have generated a widespread desire for speculation and wealth which has overcome the obligations of patriotism and endanger the very existence of the Confederate States. Notwithstanding the alleged depreciation of the currency, people of all ages and conditions seem wild in its accumulation, regardless of consequences and careless as to the result, though it lead to the destruction of their liberties.

I have frankly expressed to you the views I entertain from a sense of duty, and under the unpalatable and sad conviction that the general tendency of our national affairs does not inspire confidence. The causes which destroy public confidence, the two chief impediments to our ability to compete with the enemy, are the corrupt practices exhibited in the Quartermaster's and Commissary Departments and

the want of suitable regulations to put in service and keep there those able to fight. In almost every town and village are persons in uniform under some pretense of public service, which the people perceive is never performed. This state of affairs has resulted chiefly from permitting new military organizations rather than sustaining those in service, and thus forcing the necessity for the seeming employment of officers who have lost their commands. Judging from their proceedings as published, it seems to be the purpose of Congress to remedy these as well as other evils; but I apprehend their labor is too sweeping, and will result in the overthrow of existing social organizations resting upon the avocations of labor necessary to subsist the armies in the field, the Confederate and State Governments, and to save the country from famine and its fearful consequences.

While engaged in writing the foregoing views to submit to your consideration, additional companies of cavalry have arrived at this place. They are part of a battalion recently raised by Colonel Hood, of Georgia, upon the recommendation of Brigadier-General Cobb, and if I am correctly informed this battalion of seven companies is practically without arms, as are other cavalry commands in this State. The proportion of cavalry to infantry in this State seems to me to be excessive, and considering the demand for corn to subsist the people and armies, would it not be prudent, if an additional cavalry force is needed in Virginia, and it can be armed at Richmond, to order a cavalry regiment from this State to Virginia, and thus enable General Lee to spare Brigadier-General Perry's brigade to return to Florida to meet threatened emergencies and to recruit? I presume the Second Florida Cavalry Regiment, commanded by Col. Caraway Smith, exceeds in number the aggregate of Brigadier-General Perry's brigade. They have been in service here nearly two years, and are, I believe, well mounted and of good material. To assist in making any defense which may become necessary, the State is without arms, and for the reason that I have promptly and freely used the arms belonging to the State in equipping the troops in Confederate service. May I not confidently appeal to you to send by Mr. Wilson, the agent of the State, 1,000 stand of small-arms, muskets or rifles, with accouterments, ammunition, and caps, to be disposed of by me as shall become necessary in the defense of the State. Under existing circumstances I can see no possible opportunity of maintaining the existing organization of Perry's brigade unless it shall be ordered back to the State to recruit, as it is well known to the Department I have no means at my disposal to aid in maintaining the organization. I can only make suggestions respectfully that the War Department may exercise a sound discretion under a sense of justice to the brigade and to the State.

I have the honor to be, very respectfully,

JOHN MILTON,
Governor of Florida.

[First indorsement.]

JANUARY 20, 1864.

Quartermaster-General (Colonel Smith) for consideration of the proposition about tithes, &c.

J. A. S.,
Secretary.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE, TAX IN KIND,
January 20, 1864.

If the county authorities of the counties of Florida will apply to Maj. C. C. Yonge, controlling quartermaster of the State, at Tallahassee, he will give them authority to purchase breadstuffs from the depots of the tax in kind at commissioners' rates, such supplies being for the indigent. Major Yonge has full authority on the subject. The Commissary-General's Department is collecting in these counties only for the purpose of feeding cattle.

Respectfully,

LARKIN SMITH,
Assistant Quartermaster-General.

[Third indorsement.]

Arms can be placed at the disposal of Governor Milton at Columbus, Ga.

J. GORGAS.

[Inclosure No. 1.]

OFFICE OF THE CHIEF COMMISSARY,
Quincy, Fla., December 9, 1863.

His Excellency JOHN MILTON,
Governor of Florida:

GOVERNOR: Having just received this morning a copy of the act of the last Florida Legislature regulating the mode of executing the impressment acts of the Confederate Government by its officers in this State, I find that the fifth section of that act requires "each and every person authorized by Confederate authority or law of the Confederate States to make impressments in this State shall notify the Governor thereof, so that the citizens of this State may be notified thereof by proclamation of the Governor as aforesaid." If Your Excellency requires this notice to be given by each and every person in my department individually, it will be from three to five weeks before they can be written to and their answers obtained so as to furnish Your Excellency their names. But if official notification from me of the names of those I have empowered to make impressments will satisfy the terms and requirements of the fifth section of said law, then I have the honor to inclose to Your Excellency a partial list of their names for immediate proclamation. If each person has individually to notify Your Excellency of his power to impress, all of our surplus stores will be in danger of being purchased and taken out of the State before this can be done, and in all the cattle districts of this State (where we are collecting by detailed men nearly all of the cattle now supplied to our armies) our operations must be suspended until the notice be given by each impressing officer from the remotest regions of this State. Three-fourths of the beef-cattle are now furnished from Manatee and Brevard Counties, both very remote, and on account of poor mail service it requires from three to four weeks for a letter to go and answer to be returned. What is to be the fate of our armies, now almost solely dependent upon this State for meat, Heaven only knows. The danger from this source will be greatly lessened if it be held sufficient for me to furnish you the names of my impressing officers. On the contrary, if each officer has himself to notify you, the interval until this can be done will be one of great

peril to the Army, unless my officers shall be willing to take the responsibility and, in order to sustain the Army, run the risk and submit to the penalties of the law. Under authority from the Commissary-General, Col. L. B. Northrop, I have conferred authority to impress upon the following officers and persons, viz:

Isaac Widgeon, commissary agent First District of Florida; Maj. A. B. Noyes, commissary of subsistence, commissary Second District of Florida; Maj. J. P. Baldwin, commissary of subsistence, commissary Third District of Florida; Maj. A. G. Summer, commissary of subsistence, commissary Fourth District of Florida; Mr. James McKay, commissary agent Fifth District of Florida; Capt. J. D. Westcott, assistant commissary of subsistence; Capt. C. F. Stubbs, assistant commissary of subsistence; J. P. Coker, sub-agent of Mr. Isaac Widgeon; Joseph B. Roulhac, sub-agent of Mr. Isaac Widgeon; Hamilton G. Bryant, sub-agent of Mr. Isaac Widgeon; John J. White, sub-agent of Mr. Isaac Widgeon; S. B. Thomas, sub-agent of Maj. A. B. Noyes, commissary of subsistence; J. J. Polhill, sub-agent of Maj. A. B. Noyes, commissary of subsistence; John Denham, sub-agent of Maj. A. B. Noyes, commissary of subsistence; Arthur Macon, sub-agent of Maj. A. B. Noyes, commissary of subsistence; J. J. Snelling, sub-agent of Maj. A. B. Noyes, commissary of subsistence; Paul Canova, sub-agent of Maj. J. P. Baldwin, commissary of subsistence; William Allen, sub-agent of Maj. A. G. Summer, commissary of subsistence; E. D. House, sub-agent of Maj. A. G. Summer, commissary of subsistence; Capt. James McKay, assistant quartermaster, sub-agent of James McKay, Fifth District; M. S. Elkins, sub-agent of Maj. A. B. Noyes, commissary of subsistence.

In addition to the above I have the honor to report my own name as one authorized to make impressments of subsistence stores. There are others, whose names I will forward you as soon as practicable.

Very respectfully, your obedient servant,

P. W. WHITE,
Major and Chief Commissary of Florida.

[Inclosure No. 2.]

SYLVANIA, JACKSON COUNTY, *December 12, 1863.*

Maj. P. W. WHITE:

SIR: Your letter of the 9th instant was handed to me by Mr. Gibson as I passed through Quincy en route for this place. Previously I had sent to the office of the Floridian and Journal for publication the act of the General Assembly referred to by you, accompanied by a proclamation upon the subject. The fifth section of the act provides that "each and every person authorized by Confederate authority or law of the Confederate States to make impressments in this State shall notify the Governor thereof, so that the citizens of this State may be notified thereof by the proclamation of the Governor." I do not believe that it was intended that the Governor should wait to be informed of all who were or might be authorized to make impressments before publishing the names of each and every one whom he should be properly assured were authorized; nor am I inclined to construe the act strictly, so as to require from each and every person authorized his individual credentials. The assurance of a superior officer may be sufficient for the purpose. Nor do I believe your apprehension that all surplus stores will be in danger of being purchased and taken out of the State, &c., well sustained. No person

has the consent of State authority to take cattle or other means of subsistence from the State without the knowledge and consent of the officers in command of the military district in this State. Moreover, I have too much confidence in the patriotism and intelligence of the citizens of Florida to believe that any respectable portion of them could be induced to sell to speculators cattle or any article of subsistence needed for the support of the armies in Confederate service, or that they will refuse to sell to officers in Confederate service (properly authorized to purchase) all the means of subsistence they have not absolutely necessary to the support of their own, the soldiers' families, and unfortunate fellow-citizens dependent upon their good will for support. I hope, therefore, that there will be no necessity for impressments to be made, but if there should be, no obstacle will be interposed by State authority to prevent the legal and equitable enforcement of the act of Congress upon the subject; but I have maintained and shall adhere to the position, unless I shall be convinced that I am in error, that no citizen subject to conscription and physically able to perform military service can be exempted by your appointment of him as an agent to impress, and therefore that you cannot with legal propriety appoint such an agent. Of the fourteen persons named as sub-agents in your letter there are, if I mistake not, eleven or twelve of them who are not in military service, are subject to conscription, and are named as the sub-agents of the agents appointed by yourself.

Presuming Majs. A. B. Noyes, J. P. Baldwin, A. G. Summer, [Mr.] James McKay, Capt. J. D. Westcott, Capt. C. F. Stubbs, and Isaac Widgeon, and yourself to be authorized by your assurance of the fact, I will give the assurance by proclamation to the citizens of this State, and I shall do this the more cheerfully because I know or believe the gentlemen named to be either in Confederate military service or exempted by age from it. Until I shall be informed by the Secretary of War that it is proper that persons subject to conscription and physically able to perform military service can legally and properly be authorized as sub-agents to impress, I shall decline to declare them so by proclamation. In a general order upon the subject General Bragg has made known his opinion that none but commissioned officers can legally make impressments, and complains of the demoralizing influences produced by illegal impressments upon the Army, and it is not difficult to conjecture what may be the deleterious effect upon the Army if during their absence in military service their families shall be made to suffer by impressments unnecessarily or illegally made. Brave men had rather fight upon half rations of bread, or even parched corn, than to have their families deprived of the means of subsistence necessary to their support. But I entertain the hope, and I think reasonably, that the people of Florida would much rather live on bread than that the soldiers in service should be constrained to live without meat. Therefore I hope that personally and by those under your command you will appeal properly to the citizens of the State to supply the Army with beef, pork, bacon, molasses, sirup, sugar, &c., and if you shall find them deaf to the appeal and disposed to sell to speculators, or unnecessarily to withhold from the armies the means of subsistence, against such person and all such persons, it is hoped, you will proceed agreeably to the act of Congress regulating impressments to provide for the support of the armies.

I deem it unnecessary to reply to the portions of your communication in which you speak of your officers being willing to take the responsibility, and in order to sustain the Army run the risks and

submit to the penalties of the law, further than to express the hope that there will be no attempt to act in defiance of the law of the State. If there shall be, sufficient for the day will be the evil thereof.

I have the honor to be, sir, respectfully,

JOHN MILTON,
Governor of Florida.

DECEMBER 13, 1863.

P. S.—Before an opportunity occurred to mail the foregoing reply to your letter I have received from Widgeon a copy of a communication from Maj. S. B. French to you, dated the 9th of December, directing you to procure at once, by purchase or impressment, all the sorghum molasses that can be obtained. I presume Major French was ignorant of the late act of the General Assembly, and believe that there is not enough sorghum sugar in the State to be of very great service. I am as anxious as you can possibly be to have subsistence furnished to the Army, and therefore respectfully suggest that independent of procuring what molasses can be obtained you would confer with those whose duty it is to collect the tithes and inspire them with energy to co-operate with you to obtain and forward pork and bacon, as well as beef, as soon as it may be possible. In a few days an immense number of hogs will be slaughtered for bacon and pork; already some have been, and there are many farmers who will have large quantities of pork, bacon, and lard to spare, after paying the tithes and providing for the absolute necessary wants of the families of soldiers, their own families, and non-producers dependent upon them, who will cheerfully sell at Government prices for the use of the Army. I believe in this county 200,000 pounds of pork and bacon can be obtained.

Respectfully,

JOHN MILTON,
Governor.

[Inclosure No. 3.]

CAMP PERRY'S BRIGADE, *December 26, 1863.*

His Excellency JOHN MILTON,
Governor of the State of Florida:

SIR: An application asking that three Florida regiments be allowed to winter in Florida for the purpose of recruiting has just been returned, after having been strongly recommended by Generals Perry, Anderson, and Hill, by General Lee, with the indorsement that in a correspondence with Your Excellency he had proposed the only method by which the object of the application could be attained, viz, by sending other troops on to relieve us. We do not know upon whose shoulders to throw the blame, but it does appear that if our friends at home had earnestly wished the scheme to succeed they might have made some little effort to have those troops sent to take our places, thereby giving us a short time at least to recruit our ranks, which have been sadly thinned by the danger, hardships, and diseases to which we have been exposed for nearly two years. We do not wish to detract from the merit or gallantry of those troops yet remaining in the State, but think it just and right that they should be made to bear their part of the burden; or in other words, that it should be more equally distributed. Our brigade once numbered over 3,000 men, but now little more than as many hundred remain. The President has strongly recommended in his message to Congress that the

smallest regiments be consolidated, as it would greatly decrease the expenses of the war. The Florida regiments being about the smallest in the Army of Northern Virginia will be the first to suffer in that way, and we (both officers and men) think if our civil authorities at home will not make the slightest effort to relieve us in our distress they hold the honor of the State as of little consequence, and we are poorly repaid for the sacrifices made and the danger gone through with since coming to Virginia. Great injustice has been done us as regards sending on conscripts to recruit our ranks. It is a well-known fact that the object of the conscript law was not to form new organizations (as is the case in Florida), but to fill up the ranks of the regiments already in the field as fast as they were reduced below the standard by the misfortunes of war. It is an equally well-known fact that not a single conscript has been sent to some of the regiments, and what is worse, the deserters have been allowed to join home organizations, which is surely encouraging to us, especially on the eve of consolidation.

We inclose you the indorsements of our generals upon the application to be sent to Florida this winter, and respectfully ask your co-operation in our endeavors to that effect. We know that your influence is justly felt and appreciated where it would benefit our undertaking should you think it proper to assist us in this move.

At a meeting of the officers of this brigade we, the undersigned, being appointed a committee to correspond with Your Excellency upon this subject, would be pleased to hear from you as soon as convenient.

We have the honor to be, Governor, your obedient servants,

Benj. F. Davis, major Fifth Florida Regiment; Thos. E. Clarke, major Eighth Florida Regiment; David Lang, colonel Eighth Florida Regiment; B. Frank Whitner, captain, Eighth Florida Regiment, committee. C. A. Bryan, captain, Fifth Florida Regiment; J. L. Taylor, lieutenant, commanding Company K, Fifth Florida Regiment; J. M. Tolbert, Company D, Second Florida Regiment; N. B. Walker, Company I, Second Florida Regiment; D. B. Taylor, aide-de-camp.

[First indorsement.]

HEADQUARTERS PERRY'S BRIGADE,
December 17, 1863.

These applications are respectfully forwarded and recommended. The regiments composing this brigade originally numbered 3,271; of these there are now left barely enough for a battalion. From Governor Milton and other sources in Florida I learn that the regiments could be recruited were they allowed to winter there. I hope the application will be favorably considered.

E. A. PERRY,
Brigadier-General, Commanding Brigade.

[Second indorsement.]

DECEMBER 18, 1863.

Respectfully forwarded, urgently requesting that this or some other means be taken to restore the Florida Brigade to something like its original strength.

R. H. ANDERSON,
Major-General.

[Third indorsement.]

HEADQUARTERS THIRD ARMY CORPS,
December 19, 1863.

Respectfully forwarded.

I believe this might be tried, and probably with advantage.

A. P. HILL,
Lieutenant-General.

[Fourth indorsement.]

ORANGE, *December 23, 1863.*

Respectfully returned.

In a correspondence with His Excellency Governor Milton some time since General Lee stated that he would send this brigade or a part of it to Florida for the purpose indicated herein, provided a regiment would be sent here to supply its place. To this no response has been received. The interests of the service will not allow that the regiment be detached without an equivalent. All that can be done is to send suitable officers to co-operate with the officers of conscription in procuring recruits, as is done with other regiments similarly situated. If the recruits or conscripts are in the State, it is thought they can as well be obtained by sending for them as by sending the brigade there to recruit them.

By order:

W. H. TAYLOR,
Assistant Adjutant-General.

[Fifth indorsement.]

HEADQUARTERS PERRY'S BRIGADE,
December 26, 1863.

The above copies of indorsements are correct.

D. B. TAYLOR,
Acting Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 11, 1864.

Governor VANCE,
Raleigh, N. C.:

Your request anticipated. The Don went to sea on or before the 9th.

J. A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 12, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina, Raleigh, N. C.:

SIR: On the receipt of your letter of the 31st ultimo, relating to the consumption of grain in North Carolina in the manufacture of whisky, I called upon the Surgeon-General to report whether he had any contract for the distillation of spirits in your State, and if so, the quantity of grain required and the necessity for the supply. I annex a copy of his reply:

The Medical Department has no contract for alcoholic stimulant in the State of North Carolina. The distillery at Salisbury referred to by Governor Vance is

owned by the Medical Department and is engaged in the manufacture of whisky and alcohol for the sole use of the sick and wounded of the Army. The distillery was purchased by this Department for the purpose of dispensing with the system of contracting for alcoholic stimulants, as it has been found that a large quantity of whisky manufactured by contractors is of an inferior quality and their contracts were not in other respects faithfully carried out. It is also believed that a large quantity of whisky made by contractors has been sold to private parties when it should have been delivered to the Government, thereby consuming more grain than was required to fill their contracts. Major Badham has been instructed to turn over grain to the medical purveyor in charge of the Government distillery at Salisbury in order to obviate the necessity of this department going into market to purchase, which would enhance the price paid for grain by the Quartermaster's Department, and the 30,000 bushels referred to in the within communication is for a whole year's supply for the distillery. There is no distillery at Charlotte belonging to this department, nor am I aware that there is one there. The Attorney-General has decided that the Confederate Government has the express power "to support armies;" that any means may be used which are necessary and proper to obtain supplies for that support. Therefore a State has no power to interfere with the Confederate Government in the manufacture or even contracting for such supplies. In conclusion, I would state that it is absolutely necessary for the comfort and welfare of the sick and wounded of our Army that the Government distillery at Salisbury should not be interfered with or the supply of grain cut off.

I may add to the above that on inquiry I learn that a greater coolness of temperature than for many months of the year prevails in the Southern States when corn is more abundant is essential to the ready and proper distillation of spirits, and that this circumstance prevented the easy solution of the difficulties presented by your remonstrance which I should have sought in the removal of the Government laboratory.

I trust your objections will, under the circumstances, be withdrawn.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

[JANUARY 12, 1864.—For Murrah to Magruder, with reference to the status of Texas State troops, see Series I, Vol. LIII, p. 926.]

CIRCULAR } BUREAU OF CONSCRIPTION,
No. 1. } *Richmond, January 13, 1864.*

I. The attention of commandants of conscripts is specially called to General Orders, No. 3, Adjutant and Inspector General's Office, 1864, herewith printed.* By these general orders the acceptance of substitutes into the Army is forbidden, and all persons who have heretofore been exempted from military service by reason of having furnished substitutes are rendered liable to such service.

II. Commandants will forthwith proceed with the enrollment of all persons who have been exempted by reason of having furnished substitutes. A distinct roll will be kept of the persons thus enrolled, containing the name of the substitute, the date of the substitution, the company and regiment in which the substitution was made, and, as far as practicable, whether the substitute is still in service; and if not, whether lost by desertion, discharge, or casualty. This roll will be forwarded with monthly reports.

III. Principals of substitutes are subject to the same regulations prescribed for other persons liable to military service; but the fact

*See p. 11.

of having furnished a substitute may be assumed as prima facie evidence that the principal has no other claim for exemption, and will therefore demand careful examination when new claims are presented.

IV. To aid in detecting frauds in substitutions which have been committed by officers and others, commandants will endeavor to procure all substitute papers, examine them, and if found to be irregular or supposed to be fraudulent, will forward them to the Bureau, with testimony and opinion.

V. Cases of fraudulent, irregular, and improper exemptions have been reported to the Bureau; certificates of exemption have been counterfeited, and it is feared officers are not free from liability to grave charges in granting exemptions.

Commandants will forthwith, by special inspections and otherwise, proceed to a rigid revision of all exemptions.

By command of Col. J. S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

(To Commandants of Conscripts.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 13, 1864.

His Excellency J. E. BROWN,
Governor of Georgia, Milledgeville, Ga.:

SIR: General Beauregard has of late on several occasions expressed serious apprehensions that the enemy were strengthening their land forces and contemplating an attack on the line of railroad, and in consequence has called for re-enforcements. Unable to spare them from other sources, it is deemed advisable to inquire of you whether the residue of the 15,000 men organized, as the Department has understood, under the call made upon you last summer, and not yet brought into service, could be commanded in whole or in part for aid to General Beauregard. They might, without leaving the State, if that be objectionable, be substituted for other troops at Savannah, or along the line within the limits of Georgia. General Cobb likewise writes that the term of service of the local forces under his command will expire in February, and in such event it would be of great importance that either they should be continued in the service, or a portion of the 15,000 not employed as above should be prepared to take their places. Will you be so kind as to inform me what course you will feel at liberty to adopt under the circumstances, so that a more formal call may, if necessary, be made upon you?

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

COMMITTEE ROOM, CONFEDERATE RELATIONS,
January 13, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Your communication* to me of the ———, inviting attention of the Legislature to the policy of withdrawing all able-bodied male

* Not found.

slaves from within the enemy's lines and without our own, liable to seizure by them through the intervention of our own forces, was referred to the Committee on Confederate Relations, and has received from them the attention its importance demands. They have considered the subject in both the aspects in which you presented it, viz, the saving of the property of our citizens and the defeating of the enemy's design of recruiting a black force within the limits indicated, and have invited and obtained the expression of the views of a large number of the members of the house representing the counties more immediately interested as to the effects likely to be produced by the adoption of the policy suggested. They concur, I believe, without exception in believing it would be attended with very serious mischief and with very partial compensating good. They represent that within the enemy's lines the number of slaves left at their homes fit for military service is now very limited, forcibly or voluntarily the great bulk of them of that description having already gone to the enemy; that the few remaining are retained generally by strong local or family attachments, but none by any motive which would not yield to the aversion they entertain to be forced away from their homes within our lines and employed on our public works; that they are so scattered that but a very small proportion could be captured, if any, by a military raiding party before they would fly to the woods or to the enemy, soon to be followed by their families, whose labor and assistance is now so invaluable to the loyal whites (chiefly females and children) still remaining in the enemy's lines, would be attended with the most deplorable consequences; that many of those citizens would be left in great extremity for support if they remained, or exposed to great loss and suffering if they removed, besides by coming farther into the interior increasing the existing pressure on our already overtaxed means of subsistence. The fear was also expressed by some of the gentlemen who favored the committee with their views that the loss of their still remaining slaves occasioned by such an intervention of the Government might lead, however unjustifiably, to alienating from our cause persons now friendly to it. The effects on the slaves in the interior of bringing amongst them, so far as the measure should prove successful, those who had become imbued by the enemy with ideas and habits but little consistent with the obedience and subordination proper to their condition and necessary to the peace and safety of the whites, was strongly urged as dissuading from the adoption of the policy under consideration.

In respect to the consequences of such a measure as applied to the districts between our lines and those of the enemy, the gentlemen representing them thought the effects would be similar to those above presented. While in them a plan might be adopted, no doubt, attended with more success for getting possession of the slaves than in the other case, yet they believed large numbers would attempt, successfully, to escape to the enemy, while it would be the signal for the immediate stampede into the enemy's camps of all the slaves within their lines. There was no difference of opinion as to the general opposition of the owners to the plan, nor as to its resulting in a greater loss of slave property to the State than would ensue by leaving the owners to pursue the best means in their power to save them as exigencies might recommend. Not considering that the communication received from you was intended so much to indicate a line of policy determined on as to invite a conference and comparison of views with those most interested in it in regard to its expediency, the

committee have instructed me to lay before you the facts and views herein communicated for your consideration before adopting any conclusions or taking any definite action on the subject. They should probably say, however, that they so far feel the force of them as to be disinclined to recommend to the favor of the House the policy of a forcible withdrawal of the slaves from the quarters of the State embraced by your suggestion by the military intervention of the Confederate Government. But they trust there will be found no room or occasion for any conflict to arise between the authorities, respectively, of the two governments, at least in the conclusions they shall arrive at. They are persuaded that the Confederate Government, even if not concurring entirely in the views above set forth, would yet readily refrain, in a matter of so much delicacy and so vitally affecting our citizens, unless from the clearest conviction of an overruling necessity, from exercising a power which any State might deem seriously objectionable and prejudicial to her most important interests.

Hoping to learn from your reply that the Confederate Government does not, in view of all the circumstances, propose to pursue the policy to which you invited the attention of the Legislature of Virginia unless with their concurrence, I am, very respectfully,

WYNDHAM ROBERTSON,
Chairman.

[JANUARY 13, 1864.—For Lee to Preston, in relation to the necessity for a strict execution of the conscript law in order to strengthen the armies in the field, see Series I, Vol. XXXIII, p. 1087.]

GENERAL ORDERS, No. 6. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 14, 1864.*

I. Whenever ordnance stores are lost or damaged in any brigade it will be the duty of each brigade or district commander, at the request of his ordnance officer, or of any officer accountable for ordnance stores, to appoint as often as necessary a board of survey, to consist of three officers, to assess the value of or damage to such stores.

II. The decision of this board, with the approval of the brigade or district commander, will be final; and it will be the duty of the brigade or district ordnance officer to notify the company commander to stop the amount on the muster-rolls when privates are found chargeable; and when officers are found chargeable, instead of reporting to the Secretary of War as required by paragraph 921, General Regulations, he will notify the brigade quartermaster or the chief quartermaster of the district to have the amount stopped at the next payment. Duplicate of such notification in the case of officers and privates to be sent to the Chief of Ordnance at Richmond, to be by him transmitted to the Second Auditor of the Treasury.

III. The brigade or district ordnance officer will furnish the brigade inspector or other officer having charge of that duty with a statement of all stoppages made by the board of survey against officers and men, and the inspector will see that these stoppages are actually made.

IV. The same instructions will be adhered to in the artillery, where the officers in charge of the artillery of a corps or of a department will call the board of survey.

V. Ordnance sergeants of regiments will remain habitually with their regiments and keep themselves constantly informed as to the positions of the brigade ordnance train.

VI. The use of the sword-bayonet having been generally disapproved by boards of officers in the field, to whom the question of its usefulness was referred, its manufacture has been ordered to be discontinued. The triangular bayonet will be substituted.

VII. Hospital funds within $5,000, accrued at general hospitals, may be transferred to other general hospitals on the order of the medical director or the Surgeon-General.

By order:

S. COOPER,
Adjutant and Inspector General.

WAR DEPARTMENT,
Richmond, Va., January 14, 1864.

Governor Z. B. VANCE,
Raleigh, N. C.:

YOUR EXCELLENCY: I am duly in receipt of your letter of 7th instant. Before it came to hand I had directed that the following telegram be sent to the agent of the Department at Wilmington: "No reply yet from Governor Vance. The Secretary of War wishes you to arrange to let Don go out, leaving the question of ownership of one-third of the cargo to be determined after full conference with Governor Vance," and had received a reply as follows: "Suggestion in your telegram relative to Don anticipated. She has proceeded to sea." I am most anxious, in reference to the blockade trade, to do whatever will most subserve the use of the Army and people. After I found that the few steamers owned by the Government were inadequate to carry out cotton to purchase supplies and munitions urgently needed, I sent an officer to Wilmington and Charleston to confer with owners of steamers and make the best arrangements possible to secure a portion of the carrying capacity of their steamers for the Government, and wrote at the same time to Generals Beauregard and Whiting, placing the necessities of the Government before them. Arrangements were then made whereby the several owners conceded at least one-third of their carrying capacity on payment of reasonable freights therefor. Under these arrangements the Don and Hansa have heretofore been loaded. I am aware that the owners and agents of this line (who are all foreigners, as I am advised) were prepared to make any concession as to inward freights to be relieved from carrying out any cotton for the Government, their sole interest lying in getting out of the country as much cotton as possible. Indeed, I have found no difficulty in securing as much freight room inward as I desire from the ports which the steamers run.

Under these circumstances I think you will agree with me, Governor, that the arrangements with Messrs. Collie & Co., with which you propose to supersede mine, are less advantageous to the country than those established by me. We are both laboring in the same cause and for the same end, and I will not willingly allow any conflict with you through officers acting under my authority, and I feel that I may ask the same of you. Our wants for meat, lead, saltpeter, shoes, clothing, &c., are most urgent at this time, and every bale of cotton I could send out has been devoted to such purchases

for the use of all the troops in the field. When I learned that you had purchased the steamer Advance I did not wait for an application, but at once directed the agent at Wilmington to exempt her from the requirements made of all other steamers. The Don and Hansa are upon a different footing. They are already engaged in carrying out one-third of cargo for account of the Government. The owners made overtures to you in order to be relieved from what they regarded as an onerous obligation. When advised of these facts I do not think you will insist on thus relieving them by your contract from their engagements with the Government—engagements they were actively executing at the time you entered into contract with them.

If for special temporary purposes connected with your supplies at Bermuda you wish the exemption of the Hansa and Don for present trip, or indeed longer time, I shall give orders to meet your wishes. I am sure that you will agree with me that, as a general thing, it will be better for the Confederate Government to send out cotton to procure supplies for our armies than for the individual States to undertake the matter. Some States have no ports, others are within the occupation of the enemy. The troops from such States must be supplied by the Confederate Government only. If each State undertakes the export of cotton and the import of all supplies necessary, we shall have great jealousy among the troops from the different States and great embarrassment in questions connected with railroad transportation. There can be no objection to a State exerting every effort for the comfort and well-being of its soldiers and people, but such efforts should be outside of and not interfere with those of the Confederate Government for the comfort and well-being of the whole Army and country.

I will, on this full representation of the considerations that control the Department, leave it entirely to your own judgment and patriotism to determine whether any and what allowance should be made the Government of the last cargoes of the Hansa and Don, but trust that upon their return you will consent to have them resume their place in carrying out one-third for the Government, and will so advise me on the receipt of this.

I ought, in addition, to intimate to you that General Whiting, from some correspondence he has seen with Mr. Andrea, has formed unfavorable opinions as to his interest in our cause and the purely selfish ends at which he is aiming.

I have the honor, sir, to remain, very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *January 15, 1864.*

THE SENATE OF THE CONFEDERATE STATES OF AMERICA:

I have received from your honorable body, through the hands of your secretary, a copy of the report and resolution adopted by you in executive session on the 9th instant.

The resolution is in the following words:

Resolved, That the Senate do advise and consent to the appointment of the military officers nominated in the four several messages of the President dated on the 8th instant, all of whom are from States west of the Mississippi River, for the reasons stated in the foregoing report; and that the action of the Senate herein is not to be construed as sanctioning or recognizing the right of the Executive, in

nominating officers to the Senate, to fix the time at which they shall take rank anterior to the preceding session of Congress, or at any time during such session.

By the first four lines of the resolution I am informed that the Senate acknowledge the legality and concur in the propriety of my action in regard to these nominations, by their advising and consenting to the appointments as proposed. This is the whole action usually taken on nominations, and seems to exhaust the authority over appointments vested in the Senate by the Constitution.

The reservation, however, in the present instance, that the Senate is not to be considered as sanctioning or recognizing the right of the Executive to do in the future what the Senate have approved of his doing in the cases before them, as explained in the report to which the resolution refers, imposes on me the necessity of this communication.

On referring to that report I confess to my surprise at finding myself apparently charged with a violation of the Constitution, although no foundation exists for the implication conveyed in the report. I feel sure, therefore, that neither the committee nor the Senate could have intended or sanctioned such a charge; but I could not in justice to myself fail to call your attention to the language employed. It is as follows:

* * * The only difficulty presented to the committee is, that the date at which the officers nominated are to take rank is anterior to the last session of Congress. The committee are of opinion that the Constitution contemplates that all officers appointed in the recess of Congress shall only hold under such appointment to the close of the next session of Congress, and that they should be renominated, if it is intended to retain them in their offices, to the Senate at its first session after their appointment. This has not been done in this case.

The Senate cannot but agree with me that the plain inference from these passages is that the Constitution has been violated by my having appointed these officers during the recess and retained them in office without nominating them to the Senate at its next session. It has thus become incumbent on me (while satisfied that neither the committee nor the Senate could have intended to make such an accusation) to repel any inference that might hereafter be drawn from my silence on the subject, by stating that not only had no appointments of these officers been made prior to the nominations on which the Senate has just acted, but that the fact of the necessity for the appointments only reached the Executive since the commencement of your present session, by communication received last month from the Trans-Mississippi Department.

Upon the point suggested in the close of the resolution, that the Executive is without the right to make a nomination to a military grade, coupled with rank from a date prior to a former session of the Senate, it is not deemed proper to anticipate any future disagreement with the Senate by presenting the reasons for the opposite conclusion as being the only one consistent with the laws for the regulation of the Army, as well as with long-settled usage and the necessities of the service.

When the occasion shall arise I cannot doubt that the Senate will, notwithstanding this resolution, refuse to abandon its own constitutional power to act on nominations at its pleasure, according to the merits of each case and the good of the service. I am confirmed in this conclusion by observing that the resolution was passed without a call for the yeas and nays, and therefore with probably less than the usual consideration, as well as by the further reflection that as Executive nominations which meet the disapproval of the Senate on any ground

are always subject to rejection without assignment of reasons, experience will show that no advantage can arise from the Senate's curtailing its own discretion in future cases by binding its own judgment in advance.

JEFFERSON DAVIS.

ATLANTA, *January 15, 1864.*

Hon. JAMES A. SEDDON:

I am satisfied that I can raise a large and efficient force if the authority I have asked for to organize troops for the war from State Guard is granted. Rest assured it is the best policy. It is important that I receive an answer at once.

HOWELL COBB,
Major-General.

RICHMOND, *January 15, 1864.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States, Richmond, Va.:

SIR: We beg leave, in view of the condition of the military service, as connected with the organization of our Kentucky troops, to make some suggestions which may render those troops more effective. At present they are dispersed in small bodies with the different armies in the west and southwest. The terms for service for which they engaged are drawing to a close. There does not exist amongst them any desire to abandon the cause in which they so heartily embarked; but there does exist a strong wish amongst the infantry to change the character of their service. It is an opinion, founded upon all the facts within our reach, that great benefit would result to the country by organizing these troops in a State organization, and in mounting them as far as it can be done. The following would be some of the results of such an organization:

First. It would gratify a natural desire existing among soldiers for a change, and would go far toward satisfying their craving to see their homes; for next to the enjoyment of their own firesides would be the satisfaction of a camp home amongst their own exiled people.

Second. The concentration of the Kentuckians would be an inducement to call together at once from all parts of the Confederacy all stragglers and people from the State not yet attached to military organizations. It would also be an inducement held out to Southern men yet remaining in Kentucky to enlist in the organization. The benefits resulting from such a concentration would, in our opinion, far outweigh the temptations held out to individuals to leave the ranks.

Third. The concentration of these troops in the vicinity of Kentucky in a position to act in concert with any general movement of our Western army would have a most beneficial result. We think by the opening of the spring campaign there could be assembled in East Tennessee, or such other position as may be deemed best, about 8,000 effective Kentuckians. Combining their movements with those of the main army, they could enter Kentucky. Most of them are veteran troops. Fighting as infantry, they would be numerous enough and sufficiently effective to drive before them any cavalry force likely to be sent against them. The result would be either that they would

occupy the center of the State, collect supplies, and gather strength and interrupt the enemy's communications, or that heavy infantry detachments must be sent from the enemy's main army to drive them from the State. In the latter event it will prove a legitimate military diversion, when a small detachment will be enabled to occupy the attention of a large force of the enemy, and to that extent lighten the task of the main army.

Fourth. The political result of such an organization would be highly favorable. The hopes of the Southern sympathizers in the State still cling with great tenacity around the Kentucky organizations. Dispersed as these organizations now are, their identity is almost lost. If assembled in one body they will be enabled to excite anew the hopes of our people, and we believe that the awakened interest of the men themselves and of the people in this organization would in the present political condition of Kentucky largely increase the strength of the force.

Fifth. The results of such an organization would, in our opinion, be most effective if the public interest admitted of our being associated with this force; for it is probably not assuming too much to state that we may be enabled to combine in a great degree the military and political elements of the State which are favorable to the country. But while it is our own opinion that our services would be more effective with this than with any other organization which we can think of, we can but add that in this, as in all other matters connected with the defense of our country, we will cheerfully submit to any decision which your Excellency may make in reference to a subject which appeals so strongly to our sympathies and to our patriotism.

We have the honor to be, very respectfully, Your Excellency's obedient servants,

JOHN C. BRECKINRIDGE,
Major-General.

S. B. BUCKNER,
Major-General.

JNO. H. MORGAN,
Brigadier-General.

JOS. H. LEWIS,
Brigadier-General.

[First indorsement.]

JANUARY 16, 1864.

Secretary of War for consideration and remarks.

The proposition has two main features, viz, the assembling of the Kentucky troops into one corps, and the mounting of those troops when assembled. It is also indicated that they should be sent to Kentucky.

J. D.

[Second indorsement.]

Respectfully returned to the President.

I have had several conferences, as well with members from Kentucky as the generals signing this letter, on the subject presented. I find it difficult to reconcile with my convictions as to the interest of the service to convert all the troops from Kentucky into mounted men. The infantry brigade, though much reduced, is among the most reliable in the service, and for the hot work before our armies of more value than three times the number of mounted men. It would be

better, could reference be had to the general service alone, that two-thirds of the cavalry should be dismounted and converted into infantry; but other considerations are urged earnestly, and among them, though presented with hesitancy and regret, is the conviction that without such concession to the feelings of the men desertion to a great extent is inevitable. This alone causes me to doubt. Perhaps, without yielding the one point of mounting the men, the organization of the Kentuckians into one corps, with headquarters in common and with a favorite leader at their head, might suffice to arouse a State pride and give a prestige to the organization that might measurably satisfy and retain them in service. In conjunction with this, some latitude might be allowed the commander to allow temporary exchanges of service to the different regiments. The hope should be held out to them, too, of returning to Kentucky, most speedily and permanently, by defeating the enemy before them. A partial raid would lose more than it gained in men.

JAS. A. SEDDON,
Secretary of War.

[Third indorsement.]

AIDE-DE-CAMP:

Address letter to General Johnston, stating application and considerations offered, and request views on the question of assembling the Kentucky troops on border of Kentucky, and as another question the propriety of converting them into mounted troops.

J. D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
January 16, 1864.

General HOWELL COBB,
Atlanta, Ga.:

The matter is under consideration of the President.

J. A. SEDDON,
Secretary of War.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, January 16, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I am directed by His Excellency the Governor to request you to furnish him with a copy of your order declaring that soldiers appointed to military academies cannot be discharged.

I have the honor to be, very respectfully, your obedient servant,

B. F. ARTHUR,
Private Secretary.

CONFEDERATE STATES OF AMERICA,
BUREAU OF CONSCRIPTION,
Richmond, Va., January 16, 1864.

Maj. J. C. JOHNSTON,
Commandant of Conscripts, Bristol, Tenn.:

MAJOR: I am directed by the superintendent to write to you and say that he directs that you will forthwith remove your camp of

instruction to some safe and convenient point in the neighborhood of Lieutenant-General Longstreet's army. It is not advisable for you to select a station immediately within or contiguous to the lines. On reaching your station you will immediately proceed to active operations in enrolling conscripts and arresting deserters. Until further orders you will have authority to enroll Tennessee and Kentucky conscripts. You will apply directly to Lieutenant-General Longstreet for such supporting force as you may deem necessary, and report the same to this Bureau. You will also apply to General Longstreet for the use of such officers as you may think needful as enrolling officers, asking him for their temporary assignment. Your requisitions will be filled as early as practicable.

Very respectfully, your obedient servant,

THOMAS PINCKNEY,
Acting Assistant Adjutant-General.

CIRCULAR No. 2.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., January 18, 1864.

In addition to the copy of special orders detailing disabled officers and soldiers, furnished for the information of the Bureau, commandants will also forward to the Bureau a copy for reference to the commanding officer of the command to which such officers or soldiers belong.

From the omission to forward such copies additional labor is imposed on the Bureau, which its clerical force is insufficient to execute and which properly belongs to the office from which the order is issued.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

(To Commandants of Conscripts.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 18, 1864.

His Excellency THOMAS H. WATTS,
Governor of Alabama, Montgomery, Ala.:

SIR: Your letter of the 6th instant, earnestly requesting that Government iron contractors in Alabama be authorized to sell to planters some of their iron to make and repair agricultural implements, was referred to the chief of the Niter and Mining Bureau for consideration and remarks. I have the honor to invite your attention to the following copy of his reply:

The Government supplies in Alabama will permit the diversion of a considerable quantity of cast iron for agricultural purposes, but very little rolled iron. The loss of the Tennessee rolling-mills and the virtual suspension of the Etowah mills have thrown all the requisitions from the Army of Tennessee for wagon-tire and horseshoe iron upon the two Alabama mills controlled by the Bureau. These requisitions can be met with great difficulty, and only by drawing largely upon the Navy. Major Hunt has been instructed to call upon the Governor of Alabama, explain the poverty of our resources, and to urge a concert action from the State authorities in starting additional rolling-mills.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[JANUARY 18, 1864.—For Smith to Murrah, in regard to the organization of a force for the protection of the Indian frontier of Texas, see Series I, Vol. XXXIV, Part II, p. 886.]

AN ACT to provide for holding elections for Representatives in the Congress of the Confederate States from the State of Missouri.

The Congress of the Confederate States of America do enact, That elections for Representatives in the Congress of the Confederate States for the State of Missouri may be held as follows, until the Legislature of said State shall otherwise direct: That each voter shall be allowed to vote one ticket, containing the name of one person for each one of the seven Congressional districts of said State, and the persons receiving the highest number of votes for the Representative districts, shall be commissioned as Representatives by the Governor of said State.

SEC. 2. Such election shall be held upon the first Monday in May next, and upon the same day of each second year thereafter during the war.

SEC. 3. Such elections shall be held by the officers authorized, or persons appointed or provided by the laws of said State for the purpose of holding such elections, and shall be conducted according to the mode prescribed by the laws of said State, except so far as the same are modified by this act.

SEC. 4. In such elections, any citizen of the Confederate States who shall be qualified to vote for a member of the most numerous branch of the State Legislature of said State, shall be entitled to vote at the place or places in said State, at which he would be entitled to vote in an election for such member of said Legislature.

SEC. 5. But in case such citizen shall be in the military service of the Confederate States, or in case he shall be driven from his home by the occupation of his country by the public enemy, or by the movements of the enemy's troops, or in case the election cannot be held at the usual places of holding the same, by reason of such occupation or movements, then such citizen shall be allowed to vote at any place of voting in said State, or in the camps of the Army, as hereinafter provided.

SEC. 6. Such elections for Representatives, when held in the camps of the Army, shall be conducted as follows: In every army corps, division, or command, the colonel of each regiment, or other officer in command of any less body on detached service, shall appoint two judges and three clerks to open and hold such election, who shall hold the same and make out the poll books and returns, under the same rules and regulations, as far as practicable, as if the same were opened and held at the usual places of holding the same in said State, and shall allow all persons entitled to vote therein.

SEC. 7. The returns of such elections in camps shall be forwarded by the several commanding officers, appointing the judges and clerks as aforesaid, to the highest officer in grade, and the senior of the grade from said State, for which the same is held in the encampment or Army, in which the same is held, whose duty it shall be, at once, to forward the same to the Governor of the State, or the same may be, if more convenient, forwarded by such commanding officer directly to the Governor.

SEC. 8. In case the exigencies of the public service prevent the holding of the elections in any camp under this act, at the time provided by law, the same may be held at any time within ten days after

the preventing cause may cease; the time for holding the same to be fixed by the officer authorized to appoint the judges and clerks.

SEC. 9. Such officer shall be authorized to administer the proper oaths to the judges and clerks, or they may administer the same to each other.

SEC. 10. Every person concerned in holding such election shall take an oath to support the Constitution of the Confederate States, and to discharge his duty, in holding such election, faithfully and impartially.

Approved January 19, 1864.

CIRCULAR No. 3.

CONFEDERATE STATES OF AMERICA,
BUREAU OF CONSCRIPTION,
Richmond, Va., January 19, 1864.

In view of the great increase of special applications for exemption and the facilities with which signatures are obtained, it has become necessary to prescribe regulations for proceeding in such cases to prevent the allowance of exemption in cases specially presented and supported by many signers, with some show of testimony, but without real merit. The officers of conscription will therefore be governed by the following instructions:

I. Every application should be sworn to by the applicant and verified by the affidavits of at least two respectable citizens who are personally acquainted with the facts testified to by them.

II. Applications so verified should be carefully, particularly, and vigilantly investigated by the local enrolling officers, and a report of the facts, with their opinion in approval or disapproval, forwarded through the proper official channel, with the application, to the commandant.

III. The investigation should not be confined to an examination of the papers alone, or into the truth of the statements therein made, but should be directed with a view of ascertaining all the facts and circumstances of the case, and the exact condition of the parties with relation thereto, that an intelligent opinion on its merits may be formed. For this purpose inquiries should be instituted of persons unconnected with the application. The report should be somewhat in detail, setting forth seriatim the facts developed in the investigation, giving briefly the reasons for the opinion expressed, and instead of being put in the form of an indorsement will be made on a separate sheet of paper.

IV. In expressing his own opinion of approval the commandant will state whether he recommends permanent or temporary exemption; and if temporary, for what length of time.

V. No application will be considered unless investigated in accordance with these instructions.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

(To Commandants of Conscripts.)

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, January 19, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have seen Maj. J. J. Walker, acting commissary of subsistence for the State, and he has explained in a satisfactory manner what his agents in the different counties of the State are doing, and the object of the census of property being taken. While these complaints of the illegal conduct of agents were being made, a little explanation by sensible officers would have avoided all the difficulty. The impressment of private property is always odious and ought to be avoided whenever possible. It is a better policy for the Government to pay double price than to make impressments. If we fail to achieve our independence in this contest the failure will arise from breaking down the spirits of the people by acts of tyranny by our own officers. The impressment of property only aggravates the price and creates opposition to the Government and our cause. The practical operation of the impressment system has been disastrous.

So far as Major Walker himself is concerned, I should never fear anything from his acts that was wrong. He is a man of fine common sense and of high character, and he takes pains to perform the most onerous duties in such a manner as to retain the good will of all with whom he has to do, but many of the impressing officers care neither for God nor man.

The object of this letter was simply to say that Major Walker's explanation was entirely satisfactory.

Very respectfully,

T. H. WATTS,
Governor of Alabama.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 19, 1864.

R. S. MCCULLOH, Esq.:

SIR: In granting you a passport to go beyond the limits of the Confederate States, you are authorized, under an act to organize bodies for the capture and destruction of the enemy's property by land and sea, approved 17th of February, 1864, to engage in the destruction of the enemy's property on the high seas or the rivers, lakes, and harbors in the United States or the Confederate States of America, or on the territory of either or both of them. You will be governed, however, by the laws of nations, destroying only army and navy supplies and such other property as may be directly serviceable to the enemy in waging war against the Confederate States of America. Passenger vessels will be exempt from injury at your hands. You are also authorized to instruct and organize outside the limits of the Confederate States a company of men, not to exceed twenty in number, to act under your orders in the performance of the service in which you are hereby empowered to engage, taking strict care to observe the laws and rights of neutrals. You will forward a muster-roll of the company to this Department. Your services will be rendered without pay or other compensation than the percentage of loss or injury caused by you to the enemy's property, to be awarded by the board of officers appointed for that purpose by this Department to

convene in the city of Richmond, Va., the said compensation in no case to exceed 50 per centum of the loss or injury inflicted.

Respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *January 21, 1864.*

Governor Z. B. VANCE,
Raleigh, N. C.:

SIR: I am informed that the authorities of the State of North Carolina hold a large quantity of woolen goods, partly imported, beyond what can possibly be needed for some time to come to meet the wants of the troops from that State. As all the manufacturing resources of the State have been devoted to the service of the soldiers therefrom, and the State besides has enjoyed, through its enterprise, unusual facilities for drawing supplies from abroad, it occurs to me that there may be on hand an excess of other necessary articles, such as shoes and blankets, that can be spared for awhile to aid the service at large during the stress of the winter months. At all events, I venture to bring the matter to your attention, confident that your public spirit will lead you to do whatever you can to aid the troops of the Confederacy.

Just at this time we are greatly in want of woolen goods and cloth (heavy) of any description and blankets; shoes, too, would be acceptable. The recent heavy losses experienced by this department in connection with the blockade has restricted somewhat its resources, and if you can advance for awhile any of the supplies referred to they will be acceptable, and I will come under an obligation to return the same early in the spring, when the pressure now upon me shall in part have passed by.

A. R. LAWTON,
Quartermaster-General.

HDQRS. DEPT. OF SOUTH CAROLINA, GEORGIA, AND FLA.,
Charleston, S. C., January 21, 1864.

General A. C. GARLINGTON,
Adjt. and Insp. Gen., State of South Carolina, Columbia, S. C.:

GENERAL: The letter of His Excellency Governor Bonham, of the 19th instant,* to the commanding general, now at Savannah, communicating a copy of his letter of the 17th ultimo† to the War Department, has been received and I deem it in place to acquaint you with the position of these headquarters in the absence of any orders from superior authority in the premises.

The troops in question having been called out for six months' service, it is construed, are in that service from the time they assembled at their homes and quit their usual private avocations for military duty. It is presumed the War Department supposed they would be called out on the 1st day of August, and hence specified that day as the beginning of their term of enrollment. As you are aware, however, the call from these headquarters was not issued for a month later, because it had been urged on the commanding general as of the utmost importance that these men should not be withdrawn from the

* Not found.

† See Vol. II, this series, p. 1058.

agricultural districts until they had secured their harvests, and he was induced in that way to postpone the call to the last possible moment, leaving the men meantime at their homes, engaged on their farms, or other occupations from which they had only been detached, as is understood, one day to organize and elect company officers early in July and another subsequently, 31st July, to elect field officers.

In view of these facts the commanding general has not felt authorized to discharge these troops until he shall be officially apprised of the views of the War Department, for which he asked on the 12th of December, 1863.

Especially does he not feel warranted to act without orders, since he was expressly notified by telegraph from the Adjutant and Inspector General on the 5th of October, 1863, that he had "no right to discharge the six-months' regiments * * * without authority from that office."

Be assured these headquarters have every wish to discharge these troops whensoever it may be authoritatively done, and it is hoped orders of the War Department will soon be made known.

The Governor does not say in his letter that he has received an answer to his to the Honorable Secretary of War, but it is presumed he has not from the context of his communication to the commanding general.

Respectfully, your obedient servant,

THOMAS JORDAN,
Chief of Staff.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 21, 1864.

His Excellency M. L. BONHAM,
Governor of South Carolina, Columbia, S. C.:

SIR: I have received your letter of the 16th instant requesting me to furnish you with a copy of my order declaring that soldiers appointed to military academies cannot be discharged.

In reply I have the honor to say that the Department has uniformly declined to grant discharges in such cases, on the ground that the best school of instruction, as well as the most honorable service, is now in the field. I am very reluctant to deprive the youth of the country of the opportunity of mental improvement, but all considerations of private advantage must now yield to the paramount duty of defending the country.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

AN ACT appropriating one hundred thousand dollars for the use and benefit of the Cherokee Nation.

Whereas, by the forty-fifth article of the treaty between the Confederate States of America and the Cherokee Nation, the said Confederate States promised to collect and pay over to the Cherokee Nation the annual interest upon the several sums of money invested by said nation in stocks of certain States of the Confederate States; and whereas, by reason of the war with the United States, it is impracticable to make such collection; and whereas, there is good

reason to believe that the citizens of said nation are greatly in need of the money thus due them: Therefore,

The Congress of the Confederate States of America do enact, That the sum of one hundred thousand dollars be, and the same is hereby, appropriated out of any money in the Treasury, not otherwise appropriated, for the use and benefit of the Cherokee Nation.

SEC. 2. The said sum of money shall be forwarded without delay by the Bureau of Indian Affairs to the proper representatives of the Cherokee Nation.

SEC. 3. It is hereby expressly understood that said one hundred thousand dollars is to be returned by the said Cherokee Nation when peace shall be ratified between the United and Confederate States, or that the said Confederate States shall be reimbursed out of the interest on said stocks which may then be due and collected.

Approved January 22, 1864.

JANUARY 22, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have received from Col. W. H. Stevens, chief of construction Department of Northern Virginia, an estimate of $500,000 as required to meet the just claims presented, or to be presented hereafter, for the loss of slaves who have been impressed in the State of Virginia, and have escaped to the enemy or have died whilst engaged in labor on the Richmond defenses or from diseases contracted whilst thus employed. This estimate is based on an average valuation of $2,000 for each slave thus escaped or deceased. A consideration of the losses sustained in other portions of this State, especially in the Peninsula earlier in the war, gives the sum of $708,000 as the entire estimate for the State of Virginia. Reasoning by analogy, for want of absolute data, and extending the calculation to the other States of the Confederacy, in all of which heavy losses have been sustained among the negroes impressed for labor on the defenses, the Bureau has arrived at the sum of $3,108,000 as the minimum probably required to meet this class of expenditures. I have therefore the honor to submit an estimate of $3,108,000, and to ask an appropriation of this amount for the purpose indicated.

Very respectfully, your obedient servant,

A. L. RIVES,
Lieutenant-Colonel, &c.

[JANUARY 22, 1864.—For Murrah to Magruder, in relation to reorganization of Texas troops, see Series I, Vol. XXXIV, Part II, p. 905.]

GENERAL ORDERS, No. 7. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 23, 1864.*

I. Paragraph IV, General Orders, No. 3, current series, is hereby revoked.

II. Enrolling officers will proceed as rapidly as practicable in the enrollment of all persons made liable to military service. Previous to enrollment as conscripts all such persons will be allowed to volunteer: Provided—

1. The company selected was in service on the 16th of April, 1862.

2. The company selected is at the time of volunteering below the minimum number prescribed by regulations.

3 No person made liable to service under this order will be permitted to join or will be assigned to any company which has more than sixty-four privates on the roll until all the companies in the service from the State of which the volunteer or conscript is a resident shall have the minimum number prescribed by regulations.

4. Upon the company being selected, the volunteer will receive from the enrolling officer a certificate to the effect that he has so volunteered, and no volunteer will be received in any company except on such certificate.

III. Persons who fail to make selection according to the provisions of this order, and at the time of enlistment, will be assigned according to existing regulations.

IV. All officers in command of companies authorized under this order to receive conscripts or volunteers will forthwith send to the commandant of conscripts of the State accurate certified rolls of their companies, and without such roll, showing that they do not exceed sixty-four privates, there will not be assigned any conscript or volunteer.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 24, 1864.

WYNDHAM ROBERTSON, Esq.,
Chairman Committee on Confederate Relations,
House of Delegates of Virginia:

SIR: I regret that other more pressing engagements have prevented me from sooner acknowledging your communication of the 13th instant relative to the forced withdrawal of able-bodied male slaves from localities within the lines of the enemy or exposed to their inroads. The aims which were contemplated in the proposition heretofore made by me to obtain the sanction of the Legislature of Virginia to such removal were chiefly two: First, to save such slaves to the owners and prevent the abstraction of so much productive and valuable labor from the Commonwealth; and secondly, to prevent their being seduced or compelled by the enemy to recruit his armies and increase the resources employed by them in the atrocious warfare waged against us.

In reference to the first of these ends, I am free to admit that information gathered by me from inquiries made and manifestations of sentiment in different exposed localities lead me to concur in the opinion you express as to the repugnance and apprehension entertained by owners of the effect of such proceedings upon their slave property. They should be able to form the best judgment as to the means of preserving their property, and the Department is disposed to defer to their judgment and relinquish all idea of acting with a view to the preservation of the slaves to their owners or the Commonwealth. In the second point it is evident that the contingencies may occur which would render it an imperative military duty on the part of the Government to remove, as far as its power allowed, able-bodied men who were about to be, and without such action would certainly be, placed in the Army of the enemy. Heretofore the enemy have used mainly seduction, and, except in very limited localities and those

entirely within their power, have not, so far as known, drafted or forced slaves into military service. Such course has, however, been threatened, and may at any time be adopted and enforced as their settled rule of action. In such event it is presumed no objection could or would be entertained by those now most reluctant to the removal of the able-bodied male slaves. I may say, however, to remove apprehensions on the part of owners, that no present necessity of the kind is known to exist, and that in deference to the wishes and judgment entertained by the owners, as well as by the members of the State Legislature whose opinions have been declared, great reluctance will be felt in resorting to removal, and that it will be only done under such plain necessity as it is hoped will reconcile it to the judgment and interest of all. In such event, too, if circumstances allow, previous notice will be given, so as to afford the option to owners to remove all the slave families.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 25, 1864.

General HOWELL COBB,
Atlanta, Ga.:

Congress has not yet acted. It is not thought expedient to organize new companies, but to retain all of conscript age to fill up the old.

J. A. SEDDON,
Secretary of War.

CIRCULAR No. 4.

BUREAU OF CONSCRIPTION,
Richmond, January 25, 1864.

The attention of commandants is especially directed to General Orders, No. 7, Adjutant and Inspector General's Office, current series, herein set forth for their information.*

Early and vigorous action will be enjoined on the enrolling officers, each one of whom should be furnished with a copy of the order without delay. To insure the publicity of the order there should be several insertions in the newspapers of general circulation.

II. Persons presenting applications for special exemption with any show of merit will not be molested until action is taken by this Bureau. These cases will be investigated in accordance with Circular No. 3, current series, with the least delay practicable.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

(To Commandants of Conscripts.)

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, January 25, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

DEAR SIR: To obviate any further difficulty in regard to carrying out cotton by the Collie Line of steamers, the agent of the owners pro-

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* See p. 40.

poses to sell an interest to the Confederacy in those steamers of one-fourth, which would give one-half of the cotton for the Confederacy and this State. I hope you will accept this proposition.

Very respectfully,

Z. B. VANCE.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
January 25, 1864.

General S. COOPER, C. S. Army,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: Agreeably to your request I give to you my reasons for believing that the establishment of a bureau of inspection under your department would prove infinitely beneficial to the Government. Outcries prevail over the whole country against the extravagances and abuses committed by the Government officers and agents in all of the departments of the Army, in and out of the field. Much alleged is doubtlessly true, although in many instances exaggerated, and many, beyond doubt, originate in ignorance of their duties on the part of agents and of their rights on the part of the injured. It unfortunately too often happens that persons falsely assuming the character of Government agents impress, and between such imposition and the rightful exactions of authorized agents, made, however, in too many instances in an arbitrary and arrogant manner by those who do not duly appreciate the relations between themselves and those with whom they are dealing, a spirit of dissatisfaction is being aroused against the Government, almost amounting to disaffection, which, unless remedied, may lead to disastrous consequences. The Government, ignorant of these facts, receives all the odium of sanctioning them, and, although whenever reported, it strives to correct the isolated cases brought to its notice, it effects nothing toward removing the spirit of general complaint, because such corrections are not generally known. The evils complained of are apparent to all in the vicinity of all the towns, depots, and entrepôts scattered over the country and are publicly commented upon, but there being no particular person or department charged with correcting these evils, though all admit the importance of correction, no one is disposed to assume the responsibility of bringing them to the notice of the Government.

The means for receiving such information and to enable the Government to apply correction would be in the organization of the bureau of inspection, which might readily be done under that of the Adjutant and Inspector General's Department. The benefits to be derived from such a bureau are incalculable. The strength and organization of our armies are obtained through the monthly and field returns, but nothing is known respecting their condition in the way of armament, discipline, instruction, and all interior arrangements which promote their efficiency and reliability. This is secured in this army by the tri-monthly reports received from inspectors belonging to the different organizations from the brigades up to corps. Through the system in this army officers are held to a strict observance of all orders emanating from all the headquarters up to those from the War Department. All deficiencies in drill, discipline, military instruction, arms, accouterments, transportation, and, in a word, in any of the requisites for securing efficiency in the different arms of service, are brought through these reports to the notice of the commanding general. In addition to this the examination of the accounts

of officers of all the different departments are made, the observance of property accountability is exacted, the loss or destruction of arms, &c., charged as circumstances require to officers or men, and of all other public property misappropriated, leading through the instrumentality of inspectors to an observance of property accountability in officers and men which has saved thousands of arms to the Government, vast sums to the Treasury in the greater care secured to all kinds of public property, and at the same time has greatly improved the discipline and efficiency of the army.

There are very few cases of fraud which have occurred in this army, and wherever occurring have been promptly brought before a court-martial. With inspections impending over them at all times, in so far as their accounts go, there has been for twelve months past a most commendable observance of regulations in the rendition of accounts, considering all the difficulties under which this army has labored. Inspectors look to the preservation of private property in the vicinity of camps, and where damages are committed, to prompt indemnity to the injured and punishment of offenders whilst stationary, and on the march prevent straggling and the depredations consequent upon such irregularities. These are some of the numerous duties required from and performed by the army inspectors, making them, where efficient, the most important officers we have. Extend a system which has so manifestly improved the army throughout the Confederacy, and what would be the probable results? Doubtless the measurable, if not entire, correction of the abuses already mentioned with a large increase of the effective force in our ranks. At almost every town, depot, and entrepôt are to be found a number of staff officers with their retinues of detailed or exempted men, drawing commutation of fuel and quarters and purchasing supplies of the Government for themselves and families, entailing enormous expenditures upon the Treasury, and depriving our armies of supplies greatly needed. The first, in many instances, as superfluous, could be sent to the ranks, and the latter, substituted by partially disabled men, might be remanded to their companies. There are also many able-bodied, stout, healthy men nominally employed about the hospitals and by conscript, tax, and other bureaus scattered over the country, who should and would be forwarded to their companies. It is unnecessary to proceed further in the enumeration of benefits to be derived from a system whose usefulness has been recognized and adopted by every other government, it is believed, but our own, and I am satisfied that in addition to the greatly increased efficiency which it would have secured in all departments, millions would have been saved to the Government in the more strict observance of property accountability, which it would have brought about in every branch of the service. This result can yet be obtained in the future by the establishment of such a bureau, if organized. In addition to the officers in charge of the bureau there should be ten officers (colonels) of intelligence, energy, and perfect reliability to perform inspecting duties; the Confederacy to be divided into the same number of districts, which should be inspected successively by these officers; no officer inspecting the same district twice in succession, or, preferably, not until he had passed over all the other districts. By this means, in making their reports, which should be secret and only to be communicated to parties interested as the discretion of the Secretary of War might determine, inspectors would be particularly cautious in stating facts, and act unbiased by prejudice or partiality, knowing

that his reports would be compared with those of the officers preceding and succeeding him, whereby inaccuracies or favoritism would be exposed.

In all cases where abuses were observed, requiring immediate corrections, special reports could be made, to be submitted for the action of the War Department. A manual prescribing the general duties of such officers can readily be drawn off, questions arising under special cases to be submitted for decision by the departments. The rank of these officers should not be less than that of colonel, as such is the grade held in some of the corps already, and it is necessary in inspecting tried and veteran troops, which would be required in passing over most of the districts, that the inspector should have that character and rank which would secure attention and deference to his wishes and respect for his office. Through their means the Government could keep itself advised of the condition of all of its forces; the capabilities of the different officers, both of those holding high commands and of those of lower grades giving promise of future ability, from whom to select for promotion; the relative efficiency of different organizations; the confidence of the troops in their commanders; the general spirit among the troops, and the military and political aspect discovered in different districts, with the resources in the way of supplies to be obtained from each.

I submit the foregoing views as suggestive, not doubting, general, that your own great experience and knowledge will determine upon some plan which may lead to the results desired.

I am, very respectfully, your obedient servant,

R. H. CHILTON,

Asst. Adjt. and Insp. Gen., Army of Northern Virginia.

[JANUARY 25, 1864.—For Lee to Seddon, in relation to the effect of authorizing individuals to raise companies of artillery and cavalry, see Series I, Vol. XXXIII, p. 1120.]

EXECUTIVE DEPARTMENT,
Tallahassee, January 26, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Permit me to introduce to your acquaintance Capt. D. W. Gwynn, of the Fifth Florida Battalion.

In your letter of the 29th of October, 1863, in reply to one from me of the 22d, you promised that "orders will also be given relative to the supply of arms for the service in Florida." Previously upon application by me for 3,000 stand of arms, 2,000 Austrian rifles were sent to Columbus, but they were without wipers and were comparatively useless. These rifles were at Columbus subject to the order of the general commanding the district, but I do not know how they were generally disposed of. We have much reason to apprehend raids from the enemy, and it is very important that the troops on whose service the State is dependent for defense should be armed and prepared to make it. I request therefore respectfully that the application for arms by Major Scott, who commands the Fifth Florida Battalion, may be promptly granted. I would also respectfully invite

your attention to the copies of letters received by me relative to the impressment of milch cows and calves by the commissary agents. One is from the Rev. John R. Richards, from West Florida; the other from a judge of probate in South Florida. The effect of the impressments made in West Florida was the desertion of a large number of the troops in that part of the State, a portion of whom have joined the enemy. From one company, which was considered the best drilled and most reliable company in West Florida, fifty-two men deserted with their arms, some of whom were known to be brave men, who, indignant at the heartless treatment of the rights of citizens, have joined the enemy. I respectfully urge that orders should be immediately issued to conscript and place in military service every impressing agent not in military service, and who if not connected with the Quartermaster or Commissary Department, would be subject to conscription; also that orders shall be issued forbidding interference with cows and calves, or stock not fit for beef, by the officers of the Confederate Government. The citizens of Florida in many parts of the State are indignant at the unnecessary abuse of their rights; and I have reason to know that the lawless and wicked conduct of Government agents in this State have produced serious dissatisfaction among the troops from this State in Northwest Georgia and in Virginia, and unless the evils complained of shall be promptly remedied the worst results may reasonably be apprehended.

I have the honor to be, respectfully,

JOHN MILTON,
Governor of Florida.

[First indorsement.]

Ordnance Bureau for attention to passage about arms, &c.

J. A. S.,
Secretary.

[Second indorsement.*]

ORDNANCE BUREAU,
February 6, 1864.

Noted and forwarded to the Quartermaster-General.

[J. G.]

[Third indorsement.]

To COMMISSARY-GENERAL:

About impressing officers, taking milch cows, &c.

J. A. S.,
Secretary.

[Fourth indorsement.]

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, Va., February 8, 1864.

Respectfully returned to Honorable Secretary of War.

Maj. P. W. White, chief commissary of subsistence, Florida, has been called on to investigate the allegations against the purchasing officer and agents of the Bureau, and to take immediate steps to remedy the evils if found to exist.

L. B. NORTHROP,
Commissary-General.

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* See also Gorgas to Secretary of War, p. 83.

[Inclosure No. 1.]

CALHOUN COUNTY, FLA., *December 20, 1863.*

Right Hon. JOHN MILTON,
Governor of Florida:

MY DEAR FRIEND: After my best respects to you as my friend and chief justice of the State of Florida, I avail myself of this opportunity of writing to you a few lines to ascertain if it is law for these "pressmen" to take the cows from the soldiers' families and leave them to starve. Colonel Coker has just left my house with a drove for Marianna of about 200 or 300 head. Some of my neighbors went after him and begged him to give them their milch cows, which he, Mr. Coker, refused to do, and took them on. And now, my dear Governor, I assure you, on the honor of a gentleman, that to my knowledge there are soldiers' families in my neighborhood that the last head of cattle have been taken from them and drove off, and unless this pressing of cows is stopped speedily there won't be a cow left in Calhoun County. I know of several soldiers' families in this county that haven't had one grain of corn in the last three weeks, nor any likelihood of their getting any in the next three months; their few cows taken away and they left to starve; their husbands slain on the battlefield at Chattanooga. This is a true state of things in my county; I vouch for them as an honest man. Now, if this is law I should be glad to know it, so I could know how to act by the law, for I have had a different notion of the law; and as a sound man, I think this pressing of all the cattle will have a bad end, in my judgment, and I am not all that think so. I think if it could be stopped it would have a good effect on this part of the community. I should be obliged to you if you feel a freedom to write me on this subject soon, as I look upon procrastination as the great thief of time.

I remain, your obedient servant,

JOHN R. RICHARDS.

[Inclosure No. 2.]

BROOKSVILLE, HERNANDO COUNTY, FLA.,
January 12, 1864.

His Excellency JOHN MILTON,
Governor of Florida, Tallahassee, Fla.:

SIR: At a meeting of the Board of County Commissioners of this county on the 9th instant, for the purpose of considering the necessities and means of supplying the indigent families of soldiers in this county, it was ascertained that the supply of corn within the limits of the county is nearly exhausted, and that there can be very little or no corn purchased anywhere between here and Gainesville; whether from actual scarcity or an indisposition to sell I don't know, but it is generally supposed it is from the latter cause. On the suggestion of General J. M. Taylor, who said that he had heard Your Excellency say that corn would be sent down to Archer from Middle Florida for soldiers' families if it became necessary for the support of those families, I was verbally instructed by the Board of Commissioners to communicate their necessities to Your Excellency, and ask if 1,000 bushels of corn could be had in that way, in the event that we cannot procure it otherwise. Their situation will be deplorable in the extreme if corn cannot be had beyond the limits of the county, as in consequence of a bad crop season the past year there was not more than one-third of an average crop raised in the county.

Another matter which I would direct the attention of Your Excellency to is the fact that the cattle drivers under the orders of Captain McKay, commissary of this department, have stripped the county of every beef steer that they can find, from two years old and upward, and are now taking the cows, many of which have been known to have calves, in less than fifteen miles' drive. This is cutting off the only supply of meat we had for soldiers' families, as the supply of pork from various causes—mainly for want of corn to fatten it—is unusually short—so much so that the most fortunate of us will be on less than half allowance. Whatever the exigencies of the case may be, I consider it an outrage upon a community having in their midst as many suffering families as we have to take the cows, the only dependence for milk and beef for the future. In many cases the cows of poor families of soldiers in the Army are taken, as I have been informed. Does the order to those commissaries authorize them to take the milch cows from the people against their will or consent? If so, the country is certainly ruined and a general famine will be the result. Already the soldiers' families are becoming clamorous for meat and are killing people's cows wherever they can get hold of them. It does seem to me that this wholesale taking the beef-cattle and milch cows of the country should be stopped, for by taking the cows it certainly cuts off the means of any future supply of beef, saying nothing of cutting off the supply of milk. If we have arrived at that point where it has become actually necessary to impress all the cows in the country, which are so necessary to the support of any country, then I say, God help us, for starvation must be inevitable. Will Your Excellency do us the favor to write me in answer to these several points?

With great respect, I have the honor to be, Your Excellency's obedient servant,

P. G. WALL,
Judge of Probate.

PRIVATE.] HEADQUARTERS GEORGIA STATE GUARD,
Atlanta, January 26, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

MY DEAR SIR: I have just received your dispatch refusing my application to organize troops for the war from the members of the State Guard. I took the liberty of responding by telegraph and beg to address you again on the subject. I have no earthly interest in the question save as it affects the public interest. I beg you, therefore, to bear with me. What I say is based upon my personal experience and knowledge. I have opportunities of knowing the feeling on this subject which you have not at Richmond, and though my earnest counsel may not be heeded, pardon, I beg of you, one more intrusion upon your time. I regard this decision as disastrous in its consequences. In Georgia it will make a difference of more than 2,000 men in the Army, and the same will likewise occur in other States. I am not sure that we have not lost that number already, even if the authority should now be granted. Besides, you are putting into your old organizations an element which will produce the worst state of feeling through the ranks, and fill your Army with strife, jealousy, and heartburning. I am sure you do not appreciate the character of the men who have employed substitutes; whilst there are many who were

seeking to avoid duty (and these will dodge you by leaving the country and other ways) there were large numbers who were as brave and patriotic as any who went into service.

Let me mention one class of cases, by no means unusual, where there were several members of a family, all willing to go, but agreed among themselves that one should remain to attend to the business of all. Those who went have fallen in battle or linger in hospitals. Another class, whose large business demanded their attention at home, and who have contributed largely, liberally, and profusely to the support of the Army and soldiers' families by selling their produce at the lowest prices, and so on, and so on. I tell you that the wholesale denunciation of men who employed substitutes is wrong and unjust. I fully agree that the law ought to be repealed, and these men ought now to be brought into the service, but I do insist, not only on their own accounts, but for the good of the service, they ought not to be forced into the ranks of the old organizations. In the case of the Georgia State Guard, all the men promptly responded to the call of the Governor, and have made as good and uncomplaining soldiers as any in the field. I seriously fear the consequences of this policy in Georgia. The very men who were eager and enthusiastic to form themselves into new companies for the war are now arranging to test the question before the courts, and will resort to every method to defeat what they regard as a harsh and unjust rule upon them.

They dread the jeers and sneers which they must encounter from the Army more than they do the bullets of the Yankees, and their pride revolts at the idea of being forced into the ranks under men their inferiors in every respect, save in the length of service and experience in the field.

Whether you respect this feeling or not, the question cannot be avoided, of the effect upon the strength and efficiency of the Army. You not only want soldiers, but you want them cheerful, content, and satisfied. It may even now be too late, but still better now than not at all.

Your friend,

HOWELL COBB.

[Indorsement.]

FEBRUARY 1, 1864.

Respectfully submitted to the President for his consideration.

I do not concur in General Cobb's views, but respect for his judgment induces me to submit his letter.

J. A. SEDDON,
Secretary of War.

RICHMOND, *January 27, 1864.*

THE SENATE:

I submit to the Senate herewith the nomination of A. R. Lawton, of Georgia, to be Quartermaster-General, with the rank of brigadier-general, to take rank from the 13th day of April, 1861, and deem it proper to communicate the reasons which induce this course.

On the passage of the act of the 20th of March last, entitled "An act to amend an act for the establishment and organization of the general staff for the Army of the Confederate States of America," inquiry was made to aid in the selection of the most competent person then made

eligible, and the office of Quartermaster-General was tendered to General Lawton, who was averse to accepting it if it involved a nomination and new appointment, for the reasons that it withdrew him from service in the field, interfered with his chances for promotion, and that, as he was then the oldest brigadier in the service, he would, by acceptance of a new commission, be deprived of his relative rank as compared with other brigadiers. There were two other officers recommended to me as specially fitted to discharge the duties of Quartermaster-General, who could be spared from service in the field, and they were both major-generals and could not therefore be expected to accept a lower grade in the staff than that which they held in the line.

The name of the officer then performing the duties of Quartermaster-General was also presented to me with recommendations entitled to carry great respect, but my own observation of the manner in which those duties had been discharged had previously satisfied me that the public interests required an officer of greater ability and one better qualified to meet the pressing emergencies of the service during the war.

On examination of the law above referred to, its language, although not free from doubt, was held, after consultation and advice, to justify the conclusion that the intention of Congress would be fulfilled by assigning to the performance of the duties of Quartermaster-General an officer already confirmed as brigadier-general in the Provisional Army, without again submitting his nomination to the Senate. The grounds for this conclusion were that the eighth section of the act of 6th of March, 1861, organizing the Regular Army, expressly authorized the Executive to assign the brigadier-generals to any duties he might specially direct, and when the five brigadier-generals were raised to the rank of generals by the act of 16th of May, 1861, the President was again empowered to assign them to such commands and "duties" as he might specially direct. As it had, therefore, been permitted by Congress that any one of the generals of the Regular Army might be assigned to staff or any other duty at Executive discretion, it seemed a fair inference that when by the law of last session provision was made that the rank, pay, and allowances of Quartermaster-General should be those of a brigadier in the Provisional Army the will of the Legislature was as well fulfilled by assigning to the duties of that office one who was already a brigadier-general of the Provisional Army as by nominating a new officer.

This view of the question was fortified by the fact that the law last referred to did not create an office, but only provided that during the war the officer discharging the duties of Quartermaster-General should have the rank of brigadier-general, and by the further fact that the original act of 26th of February, 1861, for the establishment and organization of the general staff, contained a provision still in force, that officers of the Quartermaster-General and other staff departments might by order of the President be assigned to the command of troops, according to their rank in the Army, thus indicating that positions in the quartermaster's and other staff departments were not distinct offices, but were posts of duty to which officers of the Army were appointed, and from which they might be withdrawn and assigned to other duties at Executive discretion. This is a provision of our law that did not exist in the former service of the United States, in which when an officer of the Army entered the Quartermaster's Department he surrendered his commission in the line and his right to command troops.

I am advised, however, that such is not the construction given to the law by many Senators, and I so far conform to their views as to give the Senate an opportunity to advise the Executive in relation to the appointment of this officer.

This statement was also necessary in explanation of the proposal that General Lawton's rank should date from the 13th of April, 1861, that being the date of his present commission of brigadier-general in the Provisional Army.

Since the foregoing message was written I observe by the published proceedings of the Senate that it has adopted the following resolutions:

Resolved, That, in the opinion of the Senate, A. C. Myers is now Quartermaster-General of the C. S. Army, and is by law authorized and required to discharge the duties thereof.

Resolved, That A. R. Lawton is not authorized by law to discharge the duties of said office.

Refraining from any further remark on these resolutions than the expression of my conviction that they are not sustained by the Constitution or the law, their passage enforces the propriety of submitting to you the nomination which accompanies this message.

JEFFERSON DAVIS.

[JANUARY 27, 1864.—For Vance to Davis, requesting permission to publish correspondence between them on subject of peace negotiations with the enemy, and Davis' reply (30th), see Series I, Vol. LI, Part II, p. 814.]

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, January 27, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I had the honor on the 19th day of December last to inclose you and request your attention to a resolution of the Legislature as to the Government foregoing the right heretofore exercised of shipping cotton and bringing freight on the boats of the Importing and Exporting Company of South Carolina in consequence of the ownership of the State of a part of these boats. The resolution seems to explain itself. I have not yet received a reply. I inclose copies both of the act on the subject and the resolution,* and ask leave to introduce to your acquaintance Mr. Charles M. Furman, president of the bank of the State, who will present to you the views of the Legislature in passing the act and resolution, as well as my own, as to the importance to the Confederate Government and the State of the proposed relinquishment. He is fully authorized to act in the premises. It will be my object to import mainly army supplies and agricultural implements—the former to relieve as far as practicable the Confederate Government and keep the troops from this State well equipped for service, and the latter to keep the citizens supplied with the implements for raising subsistence for themselves and the troops in the field.

Very respectfully, your obedient servant,

M. L. BONHAM.

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*Copy of act not found. For the resolution, see Vol. II, this series, p. 1060.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 28, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the House of Representatives, referred by Your Excellency to this Department:

Resolved, That the President be requested to inform this House whether authority has been granted by the War Department to any person or persons to raise new companies, battalions, or regiments of troops since September 27, 1862, in portions of the country in which the conscript law has not been suspended by the President; and further, if such authority has been granted, to whom and in how many instances it has been granted, and how many companies, battalions, or regiments have been raised under such authority.

In response I have the honor to transmit herewith a letter from the Adjutant-General, stating that the records of his office do not show any authority granted to raise troops of conscript age except in localities where the operation of the conscript law has been suspended, or from the control of the enemy it cannot be enforced. All special authorities to raise troops have been issued through the office of the Adjutant-General.

Very respectfully, your obedient servant,
JAMES A. SEDDON,
Secretary of War.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, January 28, 1864.

The Honorable SECRETARY OF WAR:

SIR: In response to the resolution of the House of Representatives of the 12th instant, requesting to be informed whether authority has been granted by the War Department to any person or persons to raise new companies, battalions, or regiments of troops since September 27, 1862, in portions of the country in which the conscript law has not been suspended by the President, I have the honor to inform you that the records of this office do not contain any authority to raise troops of conscript age except in localities where the operation of the conscript law has been suspended.

I have the honor to be, very respectfully, your obedient servant,
S. COOPER,
Adjutant and Inspector General.

POST-OFFICE DEPARTMENT,
Richmond, January 28, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

On the 19th of October last I addressed you a letter, inclosing a copy of a circular from Lieut. Col. G. W. Lay, acting chief of the Bureau of Conscription, in which I objected to the order as unlawful, and in support of my objection I inclosed you a copy of the opinion of Judge Halyburton, of the Confederate district court, in the case *ex parte* Lane. To this letter you made no answer.

On the 17th of November last I addressed you another letter, inclosing a copy of a letter from the Hon. Waller R. Staples to this Department, and a copy of a letter from sundry other persons to him, presenting a case of gross violation of the law and contempt of the

decision of a court of the State of Virginia in two cases in which persons were arrested and put into the military service, after having been released from such service on writs of habeas corpus, and calling your attention to the fact that I had received no answer to my letter above referred to of the 19th of October. To this letter I have received no answer.

And on the 7th of January instant I wrote to you again, inclosing a copy of a letter from the postmaster at Ivor, Va., complaining of the rude and unlawful conduct of a Captain Green in unceremoniously turning him out of the post-office and using it as a dancing-saloon and as a store-house for forage, and calling your attention to the fact that you had not answered my letters of the 19th of October and 17th of November, and asking an answer to that. I have received no answer to this.

The necessities of the public service require frequent correspondence between the Post-Office and War Departments. As your course in these cases precludes any further communication between us, without a surrender of self-respect and the rights of this Department by me, I have no course left but to submit the matter to the President.

Your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 8. } *Richmond, January 28, 1864.*

I. Paragraphs 1129, 1130, 1131, 1132, Army Regulations, are hereby revoked.

II. Enlisted men detailed for duty on account of physical disability, in the city of Richmond, are allowed $1.20 per diem as commutation of rations.

III. Commutation of rations of all enlisted men entitled thereto by the Regulations of the War Department, whether on detached or on detailed service, or stationed in a city, with no opportunity of messing, or of the non-commissioned and regimental staff, when they have no opportunity of messing, or of soldiers on furlough, or stationed where rations cannot be issued in kind, or placed temporarily in a private hospital on the advice of the senior surgeon of the post or detachment, or of ordnance sergeants, or of a soldier who has necessarily paid for his own subsistence, or of a chaplain, is fixed at $1 per diem, to date from the 1st of January, 1864.

IV. Enlisted men who have been or may become permanently disabled, or who hold the certificate of a medical examining board to that effect, and who have not been discharged the service, may have their rations commuted at $1.25 per diem, whether they are in a hospital, private quarters, or on furlough.

V. All commutation accounts will state the length of time, date, and amount, for what purpose commutation is claimed, and that it was impracticable to take rations in kind; which facts must be certified to by the commissioned officer under whose orders the soldier was at the time the rations became due.

VI. Commutation of rations in the case of paroled unexchanged prisoners on furlough, who have just been received from the Federal lines, will be allowed at $1 per diem, to date from the 1st of January, 1864.

VII. The following paragraph will be substituted for 1111, Army Regulations:

Issues to the hospital will be on returns by the medical officers, for such provisions only as are actually required for the sick and wounded. The commuted value of rations for the sick and wounded will be $1.25. The rations for hospitals will be the same as that issued to soldiers in the field. If a greater allowance is required of any particular articles not issued to troops in the field, special requisitions must be made therefor.

VIII. Hospital attendants cannot draw rations from the Subsistence Department, but will have their rations commuted at $1.25 per diem.

By order:

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 9. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 29, 1864.*

I. The following schedules of prices for articles named therein, adopted by commissioners appointed pursuant to law, for the State of Virginia, are announced for the information of all concerned; and the special attention of officers and agents of the Government is directed thereto:

II.

RICHMOND, *January 27, 1864.*

Hon. JAMES A. SEDDON:

SIR: In reviewing the schedules of prices for February and March, we invited the co-operation and aid of Mr. William B. Harrison, and it is just to add that the schedules received the unanimous approval of the commissioners. We respectfully offer the accompanying Schedules A and B, with the understanding that the prices are to remain for the months of February and March, unless in the interval it should be deemed necessary to modify them.

The following prices are to be the maximum rates to be paid for the articles impressed, in all cities and usual places of sale, and when impressed on the farms or elsewhere, the same prices are to be paid. Since the passage and enforcement of the law imposing the tax in kind places additional burdens upon the farmers of delivering a tenth of their productions, we think it rather too onerous on those who produce the most to be required also to incur the heavy additional expense of delivering their surplus.

Under existing circumstances we have deemed it not only just, but most likely to favor increased production, that producers in future should not be required to transport their surplus productions when impressed, but that the agents of the Government should employ or impress the neighborhood or county wagons and teams to haul all such articles, and so divide the work between the owners of wagons and teams as to be least prejudicial to those successfully engaged in agriculture.

SCHEDULE A.

	Article.	Quality.	Description.	Quantity.	Price.
1	Wheat	Prime	White or red	Per bushel of 60 pounds.	$5.00
2	Flour	Good	Fine	Per barrel of 196 pounds.	22.00
	do	do	Superfine	do	25.00
	do	do	Extra superfine	do	26.50
	do	do	Family	do	28.00
3	Corn	Prime	White or yellow	Per bushel of 56 pounds.	4.00
4	Corn, unshelled	do	do	do	3.95
5	Corn-meal	Good		Per bushel of 50 pounds.	4.20
6	Rye	Prime		Per bushel of 56 pounds.	3.20
7	Cleaned oats	do		Per bushel of 32 pounds.	2.50
8	Wheat bran	Good		Per bushel of 17 pounds.	.50
9	Shorts	do		Per bushel of 22 pounds.	.70
10	Brown stuff	do		Per bushel of 28 pounds.	.90
11	Ship stuff	do		Per bushel of 37 pounds.	1.40

SCHEDULE A—Continued.

	Article.	Quality.	Description.	Quantity.	Price.
12	Bacon	Good	Hog round	Per pound	$1.25
13	Pork, salt	do		do	1.10
	Pork, fresh	Fat and good		Per pound, net weight	.80
14	Lard	Good		Per pound	1.25
15	Horses	First class	Artillery, &c	Average price per head	350.00
16	Wool	Fair or merino	Washed	Per pound	3.00
17	do	do	Unwashed	do	2.00
18	Peas	Good		Per bushel	4.00
19	Beans	do		do	4.00
20	Potatoes	do	Irish	do	4.00
21	do	do	Sweet	do	5.00
22	Onions	do		do	5.00
23	Peaches, dried	do	Peeled	do	8.00
24	do	do	Unpeeled	do	4.50
25	Apples, dried	do	Peeled	do	3.00
26	Hay, baled	do	Timothy or clover	Per 100 pounds	3.50
27	do	do	Orchard or herd grass	do	3.00
28	Hay, unbaled	do	do	do	3.00
29	Sheaf oats, baled	do		do	4.00
30	Sheaf oats, unbaled	do		do	3.50
31	Blade fodder, baled	do		do	3.50
32	Blade fodder, unbaled	do		do	3.00
33	Shucks, baled	do		do	2.20
34	Shucks, unbaled	do		do	1.70
35	Wheat straw, baled	do		do	1.80
36	Wheat straw, unbaled	do		do	1.30
37	Pasturage	do	Interior	Per head per month	3.00
38	do	Superior	do	do	4.00
39	do	First rate	do	do	5.00
40	do	Good	Near cities	do	5.00
41	do	Superior	do	do	6.00
42	do	First rate	do	do	7.00
43	Salt	Good		Per bushel of 50 pounds	5.00
44	Soap	do		Per pound	.40
45	Candles	do	Tallow	do	2.00
46	Vinegar	do	Cider	Per gallon	2.00
47	Whisky	do	Trade	do	3.00
48	Sugar	do	Brown	Per pound	1.50
49	Molasses	do	New Orleans	Per gallon	10.00
50	Rice	do		Per pound	.20
51	Coffee	do	Rio	do	3.00
52	Tea	do	Trade	do	7.00
53	Vinegar	do	Manufactured	Per gallon	.50
54	Pig-iron	do	No. 1 quality	Per ton	150.00
55	do	do	No. 2 quality	do	132.00
56	do	do	No. 3 quality	do	120.00
57	Bloom iron	do		do	216.00
58	Smith's iron	do	Round, plate, and bar	do	456.00
59	Railroad iron	do		do	190.00
60	Leather	do	Harness	Per pound	2.60
61	do	do	Sole	do	2.40
62	do	do	Upper	do	2.80
63	Beef-cattle	do	Gross weight	Per 100 pounds	16.00
64	do	Superior	do	do	18.00
65	do	First rate	do	do	20.00
66	Sheep	Fair		Per head	30.00
67	Army woolen cloth, 3-4 yard.	Good	10 ounces per yard	Per yard	5.00
68	Army woolen cloth	do			(a)
69	Army woolen cloth, 6-4 yard.	do	20 ounces per yard	Per yard	10.00
70	Army woolen cloth	do			(a)
71	Flannels, 3-4	do	6 ounces per yard	Per yard	4.00
72	Cotton shirting, 3-4	do	4½ yards to pound	do	.56
73	Cotton shirting, 7-8	do	3¾ yards to pound	do	.84
74	Cotton sheetings, 4-4	do	3 yards to pound	do	.87
75	Cotton, Osnaburg, 3-4	do	6 ounces per yard	do	.75
76	Cotton, Osnaburg, 7-8	do	8 ounces per yard	do	.88
77	Cotton drills, 7-8	do	3 yards to pound	do	.88
78	Cotton shirting stripes	do	do	do	.88
79	Cotton tent cloths	do	10 ounces per yard	do	1.12
80					(b)
81	Cotton warps	Good		Per pound	2.00
82	Army shoes	do		Per pair	10.00
83	Shoe thread	do		Per pound	2.00
84	Wool socks, men's	do		Per pair	1.25
85	Mules	First rate	Wagon, &c	Average price per head	300.00
86	Corntop fodder, baled	Good		Per 100 pounds	2.00
87	Corntop fodder, unbaled	do		do	1.50

a Pro rata as to greater or less width or weight.
b On the above enumerated cotton cloths, pro rata as to greater or less width or weight.

SCHEDULE A—Continued.

	Article.	Quality.	Description.	Quantity.	Price.
88	Wheat chaff, baled	Good		Per 100 pounds	$2.00
89	Wheat chaff, unbaled	do		do	1.50
90	Sorghum molasses	do		Per gallon	8.00
91	Pasturage for sheep	do	Interior	Per head	.40
92	do	Superior	do	do	.50
93	do	First rate	do	do	.60

In assessing the average value of "first-class artillery and wagon horses at $350," we designed that the term should be accepted and acted upon according to its obvious common-sense import. In other words, that horses should be selected and then impressed accordingly as their working qualities and adaptation to army service, together with their intrinsic value, would warrant a judicious purchaser in considering them as coming within the contemplation of the commissioners when they assessed the average value of such horses as the Government needed at $350. But cases might arise, however, when the public exigencies would be so urgent as to demand that all horses at hand should be impressed. Yet under ordinary circumstances, when family or extra blooded horses or brood mares of admitted high value are impressed, we respectfully suggest to the Secretary of War to have instructions forwarded to the impressing officers to propose and allow the owners to substitute in their stead such strong, sound, and serviceable horses or mules as shall be considered and valued by competent and disinterested parties as first-class artillery horses or first-rate wagon mules.

The term "average value per head" was used in contradistinction to a fixed and uniform price for each horse or mule. We supposed that in impressing a number of horses or mules, whether owned by several persons or one individual, that some might be estimated at $250, or even at less, and others at different advanced rates, according to their worth, up as high as $450, or above that amount—thus making an average value or price for a number of good, sound, and efficient horses $350 each, and mules $300 each.

In illustration of our views, we will add, that a horse with only one eye sound might, in all other respects, be classed as a first-rate artillery horse, yet the loss of one eye would justly and considerably curtail his value. So a horse from ten to eighteen years of age might be deemed in all other particulars as a first-class artillery horse, but of course, however efficient or able to render good service for a year or so, yet his advanced age would justly and materially impair his value. Any horse, however he may approximate the standard of a first-class artillery horse, must, according to deficiencies, fall below the maximum price; and as few comparatively exactly come up to the standard, and therefore are entitled to the maximum price, so of course in all other instances the price should be proportionately reduced, as imperfections place them below the standard of first class, &c.

SCHEDULE B.—*Hire of labor, teams, wagons, and drivers.*

		Quantity and time.	Price.
1	Baling long forage	Per 100 pounds	$0.50
2	Shelling and bagging corn; sacks furnished by Government	Per 56 pounds	.05
3	Hauling	Per cwt. per mile	.08
4	Hauling grain	Per bushel per mile	.04
5	Hire of 2-horse team, wagon, and driver; rations furnished by owner.	Per day	10.00
6	Hire of same; rations furnished by the Government	do	5.00
7	Hire of 4-horse team, wagon, and driver; rations furnished by owner.	do	13.00
8	Hire of same; rations furnished by the Government	do	6.50
9	Hire of 6-horse team, wagon, and driver; rations furnished by owner.	do	16.00
10	Hire of same; rations furnished by the Government	do	8.00
11	Hire of laborer; rations furnished by owner	do	2.50
12	Hire of same; rations furnished by the Government	do	1.50
13	Hire of same; rations and clothing furnished by owner	Per month	50.00
14	Hire of same; rations furnished by the Government	do	30.00
15	Hire of teamsters; rations furnished by the Government	do	40.00
16	Hire of laborer; clothing and rations furnished by the Government.	Per year	300.00
17	Hire of same; clothing and rations furnished by owner	do	550.00
18	Hire of same; rations only furnished by the Government	do	400.00

Upon further consideration we have concluded to value sheaf oats, hay, and blade fodder east of the Blue Ridge Mountains, when baled, at $5 per 100 pounds, and unbaled at $4.50 per 100 pounds, and shucks baled at $3.50 per 100 pounds, and $3 unbaled.

E. W. HUBARD,
ROBERT GIBBONEY,
WM. B. HARRISON,
Commissioners for Virginia.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR
No. 5.

CONFEDERATE STATES OF AMERICA,
BUREAU OF CONSCRIPTION,
Richmond, Va., January 29, 1864.

I. Commandants will forthwith proceed to change the locality of each Congressional district and local enrolling officer, and each Congressional district examining surgeon. Care will be observed not to place an enrolling officer in the district or county of which he is a resident.

II. Public notice in the newspapers of the State will be given for twenty days, calling for the presentation to the enrolling officers of all exemptions heretofore granted, and officers will be instructed carefully to revise them, renewing such as are correct, and revoking such as are fraudulent or erroneous.

III. Corruption, abuses, and errors are known to exist, and the purport of this circular is to endeavor to remedy and prevent these abuses and give more activity to the service. No application for a departure from its provision will be considered.

IV. The Superintendent again appeals to the honor and patriotism of the commandants of conscripts, and directly to the enrolling officers, for increased diligence, activity, and energy in the performance of the important duties confided to them.

The President, the Congress, the people, and the noble armies now in the field look to the authorities of conscription to maintain and increase those armies, and thereby secure the public liberty. Every man engaged in this service should feel that the liberties of his country and the preservation of parents, wives, sisters, and daughters from a brutal and relentless enemy depend on his individual exertion. The officer of conscription who neglects his duty or abuses his trust is a traitor of the deepest dye. Want of energy, want of earnest, honest, untiring diligence is cowardly treason. The guilty officer may perhaps escape present detection and punishment, but the curse of God and his country will fall upon him. We have been told what we are expected to do, and how to do it, and if we fail to get into the field by the 1st of May every man the law requires us to send there, we will deserve and will certainly receive a just condemnation. These are not mere idle words of exhortation. Let us fail, and we will find their bitter truth. We are soldiers assigned to this service—the most delicate, the most important in the public defense. Let us show that we are as zealous and as brave as our brother soldiers who are in front of the enemy.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 29, 1864.

Hon. Messrs. W. P. CHILTON and DAVID CLOPTON,
Members of Congress, House of Representatives:

GENTLEMEN: Your letter of the 25th instant was received to-day.* The probability is that the spring campaign will be opened at a very early day, and the necessity for filling up the ranks of the Army is urgent and imperious. Whatever resources of men that can be put in requisition must be used as soon as practicable. The law repealing the exemption of those who had furnished substitutes furnished additional and important resources, and the orders for employing these men forthwith issued. They may be seen in the morning papers. The legislation on the subject of those who are to be reserved for the care of plantations is at present in a very confused condition.

The specific reservations in the act of October 13, 1862, relative to the owners and overseers of plantations and the owners and managers of stock you will recollect. Those were broad and comprehensive provisions by law, and this Department had no difficulty in administering them. One of these was unconditionally repealed in May last, and in its place a very restricted, but still a specific, enactment, allowing an exemption in favor of a class of farmers and planters, was substituted for it upon the payment of a tax. There was besides this a clause which allowed the President to grant exemptions in districts deprived of white and slave labor indispensable to the producer of grain or provisions necessary for the support of the population remaining at home, and also on account of justice, equity, and necessity. The latter portion of this section of the act of May 1, 1863, has rarely been used with reference to the cases of owners of plantations. It has generally been applied to the condition of those who were destitute or those who have furnished to the Army several members, leaving one to take care of the families and fortunes of the remainder, or who had placed in the service minors not liable to service but competent to render efficient service, from considerations of a domestic nature, or when the family was composed of aged, helpless, unprotected persons, making the assistance of a male member necessary and proper.

Political considerations have not entered as a controlling ingredient in the decision of the cases to be exempt because of justice, equity, or necessity.

The persons who have had large industrial interests have been encouraged to relieve themselves by putting substitutes in the Army. The right to do so has been greatly restrained by the regulations of the Department limiting the number to two for each month in a company and requiring the approval, first, of the regimental commander, and afterward of the general commanding. There has been much fraud and abuse of this privilege, but there have been a great many cases in which the privilege to put in substitutes was exercised fairly and in which the circumstances of the principal justified the act. The repeal of this act and the subjecting of the men to military service renders some legislation proper to meet the cases that arise when detriment to the interests of the country would follow for the conscription of all the persons made liable to service in consequence of the repeal.

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*Not found.

The Department cannot form a plan of administration until the legislation of Congress on this important subject be known, and the object of this communication is simply to place before you the meager state of legislation upon the subject which will render any plan inadequate to meet the exigencies of the country.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Assistant Secretary of War.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., January 29, 1864.

Lieut. Gen. L. POLK,
Commanding, &c., Meridian, Miss.:

GENERAL: I beg leave to represent to you the necessity of perfecting, before the organization of the spring campaign, some arrangement by which the sick and wounded sent to the rear of large armies, preceding, during, or after engagements, may be more comfortably provided for. Reason and experience conclusively show that this cannot be accomplished by a medical director independent of the prompt and energetic action of a commissary and quartermaster. In order to insure concert of action upon the part of these three officers the plan laid down in papers marked A and B was referred for the consideration of the Commissary and Quartermaster Generals. No conclusion has yet been arrived at by them as far as is known to this office, and the necessity for some action being promptly taken suggests the propriety of the matter being directly referred to the commanders of the independent commands. In paper marked C will be found the plan previously adopted by General Lee for the Army of Northern Virginia, so far as the Commissary Department is concerned. This, however, would hardly be sufficient for the requirements of your command, as it is not made applicable to temporary or wayside hospitals, for the establishment of which as great a necessity does not exist in the former as in the latter, but for which the plan is also especially designed. It is hoped that the commanding general will consider it to the interest of the service to adopt promptly the proposed or some other plan approved by his judgment as best adapted for securing the object desired.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

A.

SURGEON-GENERAL'S OFFICE,
Richmond, November 14, 1863.

Col. L. B. NORTHROP,
Commissary-General, Richmond:

COLONEL: I desire to inform you that in the prompt establishment of hospitals in the rear of armies and in their removal from point to point, as necessitated by the contingencies of the movements in the field, the Medical Department is much embarrassed by the present system of organization of the Commissary Department. When such arrangements exist as at present in the Army of Tennessee, where these, the post commissaries, are required to consult the chief commissary of General Bragg's army and to procure special authority

from him, the embarrassment is still greater, as particularly shown by the reports concerning the provisions made for the wounded after the battle of Chickamauga. The duties and responsibilities of the chief commissary of that and other of our armies, especially when such armies are actively operating against the enemy, are so great that it is impossible for him to give that attention to the wants of the hospitals being organized or removed from point to point which the existing circumstances require. Communication, too, with his subordinates and with the medical director of hospitals in the rear being cut off or rendered difficult and irregular, it is impossible that the requisite arrangements can be properly effected. In view, then, of the inconvenience and injury of the service which have resulted from this imperfect arrangement, it is urgently recommended that a special commissary, independent of the authority of the chief commissary in the field, to receive authority directly from headquarters at Richmond, be assigned to the performance of such duties of the Commissary Department as relate to the supply of commissary stores to the sick and wounded, and to hospitals organized and to be organized, or transferred in the rear of the several armies of the Confederacy now in the field.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

B.

SURGEON-GENERAL'S OFFICE,
Richmond, November 14, 1863.

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: I desire to inform you that in the prompt establishment of hospitals in the rear of armies, and in their removal from point to point, as necessitated by the contingencies of the movements in the field, as also especially in the transportation of the sick and wounded, the Medical Department is much embarrassed by the present organization of the Quartermaster's Department, and by the lack of funds in the hands of the respective quartermasters at the points where these accommodations of the sick are to be improvised. When such arrangements exist as at present in the Army of Tennessee, where these quartermasters are required to consult the chief quartermaster of General Bragg's army, and to procure their funds and special authority from him, the embarrassment is still greater, as particularly shown by the reports concerning the provisions made for the wounded after the battle of Chickamauga. The duties and responsibilities of the chief quartermaster of that and other of our armies, especially when such armies are actively operating against the enemy, are so great that it is impossible for him to give that attention to the wants of the hospitals being organized, and to the transportation of the wounded which the existing circumstances require. Communication, too, with his subordinates, and with the medical director of the hospitals in the rear being cut off, or rendered difficult and irregular, it is impossible that the requisite arrangements can be properly effected. In view, then, of the inconvenience and injury to the service which have resulted from this imperfect arrangement, it is urgently recommended that a special quartermaster, independent of the authority of the chief quartermaster in the field, to receive

his funds directly from headquarters at Richmond, to be assigned to the performance of such duties of the Quartermaster's Department as relate to the organization of hospitals, and the transportation of the sick and wounded for hospitals organized and to be organized, or transferred in the rear of the several armies of the Confederacy now in the field.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

C.

CIRCULAR.] OFFICE CHIEF COMMISSARY,
ARMY OF NORTHERN VIRGINIA,
December 28, 1863.

In all cases of battle the commissary of each division will detail an assistant commissary for temporary duty at the field hospital. The officer thus selected will report in person to the chief surgeon of division, and will give his special attention to the subsisting of the sick and wounded. He will procure the necessary supplies from the division commissary train, and will obtain the necessary funds from the division commissary for the purchase of such food as the country affords and may be necessary for the benefit of the sick and wounded.

He will carry out such instructions pertaining to the subsistence department as may be required by the surgeon in charge of the hospital. It shall be the duty of the corps commissaries to see that this detail is promptly made.

R. G. COLE,
Lieutenant-Colonel, &c.

EXECUTIVE DEPARTMENT,
Milledgeville, January 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: Your letter of 13th instant was about ten days on its way and reached my office during my absence in Southwestern Georgia. In reply I have to state that the troops organized under your call for six months cannot be relied upon to relieve General Beauregard. The term of service of part of them has already expired, and they have been mustered out and discharged. On the 4th of February, only five days hence, the term of nearly all the others expires, and they will also be discharged.

Your requisition and their muster-rolls called for a six-months' term from the time they were mustered in, and not a six-months' term of active duty. The law of Congress under which you made the call declares them to be part of the armies of the Confederacy, but gives them pay and rations only while they may be in active service. Hence the time ran in their favor from the time they were mustered in, whether in active service or not.

The failure of the Government to keep its faith with that part of the State Guard who were called out early in September last and kept constantly in the field, when no raid was approaching Georgia, and no sudden emergency called for their services, has not only seriously injured our prospect for a supply of provisions the ensuing year,

but it has caused great dissatisfaction with and great distress of the Government, and has engendered a feeling which will render it very difficult to enlist another similar force in the State. During a greater portion of the time there has been no use whatever for the troops at the points where they were kept.

They were organized to repel raids, meet sudden emergencies, &c., and were promised that when they were not needed for these and like purposes they should have the privilege to be at home, attending to their ordinary business as producers. After they were ordered into camp they were compelled to remain there during the balance of the term as regular troops. While they were thus kept in camp eating out our too limited supply of provisions, and were deprived of the privilege of sowing their wheat and preparing for another crop, they saw no enemy, there was no raid, no sudden emergency, and no use for their services. They felt and knew that this was a violation of both the letter and spirit of the contract. In their behalf I protested against it, but to no effect.

If we expect to continue to conduct the war successfully, we are obliged to have a producing class at home as well as a fighting class in the field. The one is as indispensable as the other. We are already cut off from a large part of the most productive lands in the Confederacy, and we must fail to keep up our supplies if the productive interests of the portion we yet hold are seriously crippled. Thus far the State of Georgia has been able to meet the calls made upon her without paralyzing to a very great extent her agricultural interests, except in that part of the State where there are but few slaves. But I feel it my duty to inform you that we shall not be able to meet the increasing demands made by the Confederate Government through its conscript officers, and spare a large additional force for constant service in or out of the State without so crippling the planting interests that a support cannot be made another year for the Army and the people of the State.

Many of our fields now lie uncultivated, and if large additional levies of troops are to be made for constant service many more must be neglected. How, then, are we to make a support for another year?

I have lately been through the upper, middle, and southwestern portions of the State, which are its more productive portions, and I tell you in all candor that the country is becoming so far drained of supplies that if relief cannot be had from some other source I do not see how it is possible to supply the people and the Army with bread till another crop is made, while the supply of meat is entirely inadequate.

The cattle have been so generally taken for the Army as to leave a still less encouraging prospect for meat another year, and if heavy calls are to be made for troops to be taken from the agricultural pursuits the prospect for bread will indeed be gloomy.

If it is the policy of the Government to put the whole people, or any great additional number of them, into military service, the struggle for the future must necessarily be short. We cannot expect to conquer the enemy in a few months, and if we fail to make a crop it is only necessary for them to continue the war till we consume our provisions, and they must conquer us.

But you may inquire how, then, we are to get troops to meet the large armies of the enemy. It is not my wish to dictate, nor do I desire to annoy you by voluntary advice, but in view of the perils which surround us, and the responsibility of my position as the

Executive of one of the States of the Confederacy, I venture to suggest that it would be infinitely better to make but little further drafts upon the producing class, and put the troops whose names are now on the muster-rolls and who are in the pay of the Government, and especially the almost countless swarm of young, able-bodied officers, who are to be seen on all our railroad trains and in all our hotels, into the Army—a place where many of them are seldom found. This would increase the armies from 25 to 50 per cent. and make them strong enough, if well fed and sustained, to meet, with all the advantages which we as the invaded party possess, any force the enemy will be able to bring against us. Almost every little railroad village has become a military post, and a number of officers in brass buttons and gold lace can be seen idling about, each out of the reach of danger, with troops enough to supply each with a command. The Quartermaster's and Commissary Departments are thronged with able-bodied men, subject to conscription or detailed from the Army, who are acting as clerks, purchasing agents, impressment agents, &c. From these and similar causes 50 per cent. of the Army are not in camp to answer to roll-call, and further drafts must be made upon the producing class to supply the places of the absentees, who ought to be kept at their places in the Army.

It is easy to foresee the result of this policy if persisted in. As the enemy has over three times as many men able to do military service as we have, it is impossible for us to keep in the field as many troops as he does. Nor is this necessary. As the invaded party, having the inner lines of communication and other advantages incident to our position, if our people are united and determined and our Government acts with wisdom and prudence, we can defend successfully against a vastly superior force in point of numbers.

In conclusion I have only to state that Georgia has always done her whole duty and furnished more than her full share of men and means, and I doubt not she will still do her just part to the utmost of her ability as long as the enemy desecrates the soil of the Confederacy.

I am, very respectfully, your obedient servant,

JOSEPH E. BROWN.

AN ACT to regulate the collection of the tax in kind upon tobacco, and to amend an act entitled "An act to levy taxes for the common defense and carry on the Government of the Confederate States," approved April 24, 1863.

The Congress of the Confederate States of America do enact, That the tax in kind of one-tenth imposed by said act upon all tobacco grown in the Confederate States, instead of being collected by the post quartermaster, shall be collected by the agents appointed by the Secretary of the Treasury to collect and preserve tobacco, and the tax assessors shall transfer their estimates of the tobacco due from each planter or farmer, specifying both quantity and quality, to the said agents or their duly authorized sub-agents, taking their receipts therefor, and shall also transmit a copy of these estimates to the chief of the Produce Loan Office; and when said tobacco shall have been collected the said agents shall be liable for its safe custody.

SEC. 2. That each farmer and planter, not earlier than the first day of June, nor later than the fifteenth day of July, shall deliver his tithe of tobacco in prizing order, put up in convenient parcels for transportation, at the nearest prizing depot, of which there shall be not less than one established in each county by the agents for the collection and preservation of tobacco, where the said tobacco shall be

prized and securely packed in hogsheads or other packages, suitable for market, by said agents.

SEC. 3. That the tax assessor shall require a statement from each farmer or planter as to the different qualities of tobacco raised by him, and shall assess, as due the Confederate States, one-tenth of each of said qualities, which shall be stated separately in his estimates, and shall be delivered separately by the farmer or planter at the prizing depots.

SEC. 4. All acts and parts of acts inconsistent with the foregoing are hereby repealed.

Approved January 30, 1864.

AN ACT to fix the pay and allowances of the master armorer of the Confederate States Armory at Richmond, Virginia.

The Congress of the Confederate States of America do enact, That the master armorer of the Confederate States Armory at Richmond, Virginia, shall hereafter receive a salary of three thousand dollars per annum from the time of the passage of this act, with allowances for quarters and fuel of a captain of infantry.

Approved January 30, 1864.

GENERAL ORDERS, No. 10. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 30, 1864.*

The authority given in General Orders, No. 85, series of 1863, to impress iron, is extended to the impressment of ore, timber, and all materials essential to the production and manufacture of iron.

By order:

S. COOPER,
Adjutant and Inspector General.

STATE OF GEORGIA,
QUARTERMASTER-GENERAL'S OFFICE,
Atlanta, January 30, 1864.

Honorable SECRETARY OF WAR,
Richmond, Va.:

SIR: Pardon the liberty taken in inclosing you a letter addressed by me to Brig. Gen. W. M. Gardner, commanding Middle Florida, indorsed and approved by Maj. Gen. Howell Cobb on the 7th instant.* The sufferings of Georgians in C. S. service, through lack of clothing and the dearth of raw material in this State, caused by the extensive operations of the Confederate Government, have made it absolutely necessary for us to go outside the limits of Georgia and make purchases where the material could be found. Already this department has issued to destitute Georgians, C. S. Army, about 15,000 suits of clothing and about 30,000 pair of shoes. These, as the generals will testify, have added much to the valor and comfort of the troops. With the exception of the refusal of the commander of the District of Middle Florida, we have met no opposition in making purchases in other States for this object. The refusal of this commander I also

* Not found.

respectfully inclose,* begging you, if consistent with the public service, that you will set aside this decision and grant me permission to make such purchases and shipments from the District of Middle Florida. I have no desire to come in conflict with purchasing agents of the Confederate Government. I only ask that my agents be placed on a like footing. Such authority granted to this department would place it in a condition to relieve the necessities of Georgia soldiers when the Confederate Government should be unable to do so. The favor is sought in the name of the gallant but destitute Georgians in Confederate service, whose wants will be supplied when the Government is short of supplies, if granted. The letter to Brig. Gen. W. M. Gardner, indorsed by Maj. Gen. Howell Cobb, and the refusal of the colonel commanding the District of Middle Florida, is therefore respectfully inclosed. Begging an early response,

I have the honor to be, very respectfully, your obedient servant,

IRA R. FOSTER,
Quartermaster-General of Georgia.

[First indorsement.]

FEBRUARY 8, 1864.

QUARTERMASTER-GENERAL:

Do you advise compliance with the requests of this letter? Would it not impede your operations?

J. A. S.,
Secretary.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, February 12, 1864.

Respectfully returned.

Action of this kind upon the part of State authorities is apt to lead to competition without any material increase of the resources of the country. Still, I have never felt at liberty to impose any restraints upon the agents or officers of a State engaged in the collection of supplies.

A. R. LAWTON,
Quartermaster-General.

OFFICE CHIEF INSPECTOR FIELD TRANSPORTATION,
DIST. NO. 3, ALA., MISS., WEST TENN., AND EAST LA.,
Brandon, Miss., January 30, 1864.

Lieut. Col. A. H. COLE,
Inspector-General, &c., Richmond, Va.:

COLONEL: Although so far as I am aware my general letters on the affairs of my district never reach you, yet I will continue to advise you, hoping they may turn up. I at last begin to see my way to realize the resources within my reach. If you will glance at the map, with the suggestion that in the interior there is an abundance of corn, and the stock is in good order and better cared for than it could be by the Government, and that it is nearly all required for the production of food, and should not be demanded by the Government unless upon a fair canvass of what is most required—food or mules. In addition to this it is always within reach of the Government, and by June 1, 1864, the corn crop will be made. I have located Capt. L. B.

*Not found.

Mitchell at Courtland, Ala., in connection with General Roddey's cavalry, with agents in the enemy's lines. A quartermaster at Okolona is acting as my purchasing agent in all matters that arise around that point. Maj. W. S. Harris is at Panola, Miss., with agents on Mississippi River and in West Tennessee moving with Forrest's cavalry. Capt. C. A. Manlove is stationed at Tchula, Miss., with agents running in to Mississippi River. Capt. Wilkes Henry is stationed at Port Gibson, with agents in and around Vicksburg. At Woodville, Miss., I have Capt. H. F. Cook, with agents on Mississippi River down to Lake Maurepas. Upon my personal application to General Polk, he assigned Capt. E. T. Henry for the charge of my recruiting stables in Alabama. My instructions to my quartermasters are to select the most respectable and energetic men, exempt from military service, as their agents, with instructions to canvass every plantation and buy every mule, the quartermaster traveling through every part of his district and conferring at home with his agents, seeing for himself and aiding and advising his agents, requiring them to report in writing and verbally. By this means I am accomplishing something, and will certainly meet requisitions from my own district, which are much increased by the organization of new regiments by General Forrest and others, and by having requisitions already filled for Georgia. I have been notified already of arrival at a safe place of 140 mules from North Alabama and 150 from near Baton Rouge.

Respectfully,

A. M. PAXTON,
Major and Quartermaster.

[JANUARY 30, 1864.—For Cooper to Polk, in relation to the organization of troops within the enemy's lines, see Series I, Vol. XXXII, Part II, p. 636.]

GENERAL ORDERS, No. 11. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 1, 1864.*

I. Examining boards for conscripts will, when practicable, be composed of two medical officers and one employed surgeon. They will hold continuous sessions in the several counties of their respective districts, to facilitate the execution of the duties prescribed by General Orders, No. 141, 1863, from this office.

II. Paragraph III, General Orders, No. 141, last series, from this office, is amended to provide that in all cases when there are two medical officers on the boards for the examination of conscripts, recommendations and certificates must be concurred in and signed by both medical officers.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 26. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 1, 1864.*

* * * * * * *

XXIV. Col. William Miller, of the First Florida Regiment, is assigned to duty as commandant of conscripts for the State of Florida,

and will report to Col. John S. Preston, chief of the Bureau of Conscription, in this city.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

FEBRUARY 3, 1864.

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

The present state of the Confederacy, in my judgment, requires that I should call your attention to a condition of things existing in the country which has already been productive of serious evil, and which threatens still graver consequences unless an adequate remedy shall be speedily applied by the legislation of Congress. It has been our cherished hope—and hitherto justified by the generous self-devotion of our citizens—that when the great struggle in which we are engaged was passed we might exhibit to the world the proud spectacle of a people unanimous in the assertions and defense of their rights and achieving their liberty and independence after the bloodiest war of modern times without the necessity of a single sacrifice of civil right to military necessity. But it can no longer be doubted that the zeal with which the people sprung to arms at the beginning of the contest has, in some parts of the Confederacy, been impaired by the long continuance and magnitude of the struggle.

While brigade after brigade of our brave soldiers who have endured the trials of the camp and battle-field are testifying their spirit and patriotism by voluntary re-enlistment for the war, discontent, disaffection, and disloyalty are manifested among those who, through the sacrifices of others, have enjoyed quiet and safety at home. Public meetings have been held, in some of which treasonable designs are masked by a pretended devotion to State sovereignty, and in others is openly avowed. Conventions are advocated with the pretended object of redressing grievances, which, if they existed, could as well be remedied by ordinary legislative action, but with the real design of accomplishing treason under the form of law. To this end a strong suspicion is entertained that secret leagues and associations are being formed. In certain localities men of no mean position do not hesitate to avow their disloyalty and hostility to our cause, and their advocacy of peace on the terms of submission to the abolition of slavery. In districts overrun by the enemy or liable to their encroachments, citizens of well-known disloyalty are holding frequent communication with them, and furnishing valuable information to our injury, even to the frustration of important military movements. And yet must they, through too strict regard to the technicalities of the law, be permitted to go at large till they have perfected their treason by the commission of an overt act? After the commission of the act the evidence is often unattainable, because within the enemy's lines. Again and again such persons have been arrested, and as often they have been discharged by the civil authorities, because the Government could not procure the testimony from within the lines of the enemy. On one occasion, when a party of officers were laying a torpedo in James River, persons on shore were detected communicating with the enemy, and were known to pilot them to a convenient point for observing the nature of the service in which the party were engaged. They were

arrested and were discharged on habeas corpus, because, although there was moral certainty of their guilt, it could not be proved by competent testimony. Twice the Government has received secret and confidential information of plots to release the prisoners confined in Richmond. This information was sufficiently definite to enable preventive measures to be adopted with success; but as it pointed out the guilty conspirators by strong suspicion only, and not by competent testimony, they could not be arrested, and are still at large, ready to plot again. A citizen possessing the means and opportunity of doing much injury to the service was arrested for disloyalty. He was twice tried before different commissions. Upon each examination he avowed his hostility to our cause and his desire to join the enemy. Both commissions decided that it would be dangerous to suffer him to go at large. Yet, upon the demand of the civil authorities, he had to be released for want of competent legal testimony.

The Capital of the Government is the object of peculiar attention to the enemy. I have satisfactory reasons for believing that spies are continually coming and going in our midst. Information has been repeatedly received from friendly parties at the North that particular individuals then in Richmond were sent as spies by the enemy. Yet, however accurate and reliable such information might be, it was not competent testimony; and it was idle to arrest them only to be discharged by the civil authorities. Important information of secret movements among the negroes fomented by base white men has been received from faithful servants, but no arrests of instigators could be made because there was no competent testimony. Apprehensions have more than once been entertained of a servile insurrection in Richmond. The Northern papers inform us that Butler is perfecting some deep-laid scheme to punish us for our refusal to hold intercourse with him. If, as is not improbable, his designs should point to servile insurrection in Richmond, incendiarism, and the destruction of public works so necessary to our defense, and so impossible to be replaced, how can we hope to fathom it and arrest the guilty emissaries and contrivers but by incompetent negro testimony? In some of the States civil process has been brought to bear with disastrous efficiency upon the Army. Every judge has the power to issue the writ of habeas corpus, and if one manifests more facility in discharging petitioners than his associates the application is made to him, however remote he may be. In one instance a general on the eve of an important movement, when every man was needed, was embarrassed by the command of a judge even then over 200 miles distant to bring, if in his custody, or send if in custody of another, before him on habeas corpus, some deserters who had been arrested and returned to his command. In another, the commandant of a camp of conscripts who had a conscript in camp, was commanded to bring him before a judge more than 100 miles distant, although there was a judge competent to hear and determine the cause resident in the place where the writ was executed. He consulted eminent counsel, and was advised that from the known opinions of the judge selected, the conscript would undoubtedly be released, and the officer was therefore advised to discharge him at once, and return the facts informally; that such a return was not technically sufficient, but would be accepted as accomplishing the purpose of the writ. He acted on the advice of his counsel, and was immediately summoned by the judge to show cause why he should not be attached for a contempt in making an insufficient return, and was compelled to leave his command at a time when his services were pressingly

needed by the Government and travel over 100 miles and a considerable distance away from any railroad, to purge himself of the technical contempt. These particular instances may serve to show the nature of the delays, difficulties, and embarrassments which are constantly occurring. And injurious as they are, they are but light and trivial in comparison with evils which are reasonably to be anticipated.

It is understood that questions are to be multiplied as to the constitutionality of the late act of Congress placing in the military service those who had furnished substitutes. If a single judge, in any State, should hold the act to be unconstitutional, it is easy to see that that State will either furnish no soldiers from that class, or furnish them only when too late for the pressing need of the country. Every application would be made to that particular judge, and he will discharge the petitioners in each. And although the officer may have the right of appeal, yet the delay will be tantamount in its consequences to a discharge. Indeed, this result is likely to ensue although every judge in the Confederacy should hold the law to be perfectly constitutional and valid.

A petition for a habeas corpus need not and ordinarily does not declare the particular grounds upon which the petitioner claims his discharge. A general statement on oath that he is illegally restrained of his liberty is sufficient to induce and even to require the judge to issue the writ. In every case the enrollment will be followed by the writ, and every enrolling officer will be kept in continual motion to and from the judge, until the embarrassment and delay will amount to the practical repeal of the law. Its provisions will add no more soldiers to the Army. But this is not all. We shall not be able to retain those already in the service. Nothing has done so much to inspirit our brave soldiers as the determination evinced by Congress to send to their aid those who have thus far lived at their ease at home while they have endured dangers, toils, and privations. When the hope of equal justice and of speedy re-enforcement shall thus have failed, disappointment and despondency will displace the buoyant fortitude which animates them now. Desertion, already a frightful evil, will become the order of the day. And who will arrest the deserter, when most of those at home are engaged in the common practice of setting the Government at defiance? Organized bands of deserters will patrol the country, burning, plundering, and robbing indiscriminately, and our armies, already too weak, must be still further depleted at the most imminent crisis of our cause, to keep the peace and protect the lives and property of our citizens at home. Must these evils be endured? Must the independence for which we are contending, the safety of the defenseless families of the men who have fallen in battle and of those who still confront the invader, be put in peril for the sake of conformity to the technicalities of the law of treason?

Having thus presented some of the threatening evils which exist, it remains to suggest the remedy. And in my judgment that is only to be found in the suspension of the privilege of the writ of habeas corpus. It is a sharp remedy, but a necessary one. It is a remedy plainly contemplated by the Constitution. All the powers of the Government, extraordinary as well as ordinary, are a sacred trust, to be faithfully executed whenever the public exigency may require. Recognizing the general obligation, we cannot escape from the duty in one case more than in another. And a suspension of the writ when demanded by the public safety is as much a duty as to levy taxes for the support of the Government. If the state of invasion

declared by the Constitution to be a proper case for the exercise of this power does not exist in our country now, when can it ever be expected to arise? It is idle to appeal against it to the history of the old Union. That history contains no parallel case. England, whose reverence for the great bill of right is at least as strong as our own, and the stability of whose institutions is the admiration of the world, has repeatedly within the last hundred years resorted to this remedy when only threatened with invasion. It may occasion some clamor, but this will proceed chiefly from the men who have already been too long the active agents of evil. Loyal citizens will not feel danger, and the disloyal must be made to fear it. The very existence of extraordinary powers often renders their exercise unnecessary. To temporize with disloyalty in the midst of war is but to quicken it to the growth of treason. I therefore respectfully recommend that the privilege of the corpus be suspended.

JEFFERSON DAVIS.

AN ACT to change the time for the assembling of Congress for its next regular session.

The Congress of the Confederate States of America do enact, That the Congress of the Confederate States of America, for its next regular session, shall assemble the first Monday in May, anno Domini eighteen hundred and sixty-four, and not the first Monday of December, eighteen hundred and sixty-four.

Approved February 3, 1864.

AN ACT to authorize the President to assign judges of military courts from one court to another.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized, at any time, to assign judges from one military court to another as in his judgment the service may require.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage.

Approved February 3, 1864.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 3, 1864.

Hon. J. H. REAGAN,
Postmaster-General:

SIR: In compliance with my letter of the 29th ultimo,* I have the honor to communicate the result of the inquiry into the action of this Department on your letters of the 19th of October and 17th of November, 1863, and January 7, 1864.

The last, in regard to the complaint of the postmaster at Ivor of being turned out of his office, and its being appropriated to other uses by military authority, has been referred to the proper officers for inquiry and report and has not yet been returned.

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*Not found.

The cases of Kinzer and Surface, arrested and returned to their regiment by order of General Buckner after their discharge from the military service of the Confederate States on writs of habeas corpus by Judge Fulton, of the Virginia bench, and which are the subject of your letter of the 17th of November, 1863, had been brought to the attention of the Department in the latter part of August by Hon. Waller R. Staples, had been investigated, and were under consideration when your letter was received.

That of the 19th of October was referred to the Conscript Bureau, the response from which is herewith inclosed.*

The questions presented by your two communications last referred to have received that consideration which their importance and the collision between the departments of the Government under our respective charge seem to demand.

The construction placed by this Department upon the exemption law approved on the 11th of October, 1862, of which the act approved April 14, 1863, entitled "An act to exempt contractors," &c., according to the rule for the construction of statutes, is to be deemed and taken as a part, was distinctly stated and promulgated by a general order published on the 3d day of November, 1862, in which it is expressly declared "that the exemption act will be construed prospectively, and does not authorize the discharge of any one enrolled or in the service prior to the 11th day of October, 1862."

This construction was sustained by the courts in various cases that were brought before them, and was approved by Congress when it passed the act approved on the 2d of April, 1863, providing for the acceptance of the resignations of such officers and the honorable discharge of such non-commissioned officers and privates as might be elected or appointed to certain legislative, judicial, and executive offices, the tenants of which were exempted by the act of October 11, 1862, from the military service.

This being the clear and well-settled rule and practice of this Department, the chief of the Contract Bureau of the Post-Office Department, on the 26th of May, 1863, in an official communication to the postmaster at Christiansburg, informing him that the Postmaster-General withheld his acceptance of a certain lowest offer to carry the mail "in view of the unreasonable rate," instructed him to re-advertise, and remarks: "You will not fail to commend to the attention of the contractor or of those who may be disposed to offer under the re-advertisement the facilities of the late exemption law," &c.

The postmaster, accordingly, in his re-advertisement offers as an inducement to low bids the promised exemption from military service on route No. 2561, the proposal of John Surface, at one-fourth of a cent per annum, and on route No. 2563, that of John C. Kinzer, at 1 cent per annum, were accepted. The postmaster wrote to the Postmaster-General about the discharge of these men, who were privates in Company E, Fifty-fourth Virginia Regiment. The chief of the Contract Bureau of the Post-Office Department replied that they were exempted, and it is understood the judge of the district court had so decided and discharged soldiers, who had become contractors on writs of habeas corpus.

This Department considers that it has just cause of complaint against the Post-Office Department for the course pursued in this and similar cases.

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* Not found.

No application was made by these men to the military authorities for their discharge on account of these alleged contracts. But when the commanding officer of the regiment, being shown a letter stating that friends had obtained these contracts for them, offered to prepare and forward such application on with his approval, his offer was declined. Writs of habeas corpus were sued out and awarded by a judge of a circuit court of Virginia on the 20th day of July, returnable on the 5th of August, at Wytheville, and sent by him to be executed in the State of Tennessee, where the regiment was and had been since the 5th of April preceding, with an intimation to the officer that if he would surrender the men to the officer appointed to execute the writs his personal presence was unnecessary. In the traditional deference to judicial authority habitual to our people the officer surrendered the men, sending his objections to and protest against their discharge. Being brought before the judge, he entered orders discharging them from the military service of the Confederate States. General Buckner, learning the facts, believing that the court had no jurisdiction, and that the order was, therefore, of no effect, ordered their arrest and return to their regiment. It is perfectly clear that the judge had no jurisdiction when the writs were issued; that it was an unjustifiable exercise of judicial prerogative in another State, and that the commanding officer of the regiment erred in surrendering the men to the officer of the court. But when they appeared before the judge within his circuit the jurisdiction attached; and however erroneous his decision may be deemed, it will be accepted by this Department, as has been done in the cases decided by Judge Halyburton, as the law of the case, and the men will be discharged from the custody of their officers.

But while thus recognizing such decision as made, this Department does not feel bound by the principle on which the judgment is based as to apply it to similar cases. It is satisfied that the construction placed by it on the exemption law is the true and proper construction, and is in accordance with the intention of the law-makers, and it insists that by every rule of reason and usage the settled construction given by an Executive Department of the Government to an act of Congress for its action is entitled to more consideration and weight of authority than an exposition by a subordinate judicial tribunal.

The views of this Department on this question of construction have been given fully in answer to a resolution of the House of Representatives during the present session; and unless Congress shall otherwise direct, these views will continue, as heretofore, to be its rule of action.

Without restating any of these views, I will add the further suggestion that Congress, by its passage of the act of April 2, 1863, has thrown additional light upon its intention and the proper construction of the exemption act composed of the statutes of October 11, 1862, and April 14, 1863, in this, that it only provides for discharging from the military service those who may be called on to fill certain legislative, judicial, and executive offices, to perform certain public trusts, which the law in theory does not recognize as either to be sought or declined by the citizen, and has expressly left out of its provisions the large classes that were exempted because of benefits which would accrue to the public interests. The distinction is very plain and significant.

The obligation to the State of those who are in the military service, whether by voluntary enlistment or conscription, whether actually

serving with the army in the field or only enrolled for such service, was complete and perfect, and could not be loosened or removed by their own action.

When called, according to the mode prescribed by the Constitution and laws, to fill public office, the duties of which were incompatible with the duties imposed by the military obligation, it was a question to be determined by Congress which class of obligations was to be deemed of the higher importance to the public weal. It was no question of release from the service of the country, or of privilege to be awarded to an individual, but simply the decision as to which of two conflicting classes of public duties which the citizen was required to perform should be preferred.

Laws exempting from military service provide that certain classes of individuals liable to the performance of military duties, if called on—and such liability is only inchoate until the call is made—shall not be called on to perform those duties; but there is no provision of law by which a citizen whose debt of military service to the public has been perfected by the demand for its performance can discharge himself from his obligation by his own act. It would be strange and anomalous if there were.

A contract with the Post-Office Department to carry the mails would be such voluntary act of the individual. Nor would the fact that the contract was made with a department of the Government make it the less his mere voluntary act—the really relieving himself from his superior obligation—than would be his contracting with such mail contractor to drive a post coach or hack for carrying the mails; or his contracting for service with a railroad or canal company, or with the editor of a newspaper, or to be employed by any contractor with the Government, or the bringing himself by any means within any other of the large classes that are by the same act declared to be exempt. The law applies to all equally.

The plain result is that no one whose application has thus become perfect has the right or power to complete a contract which is incompatible with his prior superior obligation. He is not, as to such, capable of contracting. It is therefore insisted that the contracts made by the Post-Office Department with those persons actually in the military service or enrolled for such service, made without the consent of this Department, are not sufficient according to law to release the parties from the claim of this Department, acting as the agent of the public, to whom the service is due. And in the performance of my duty to maintain the Army in the most effective condition, now so imperatively called for by the present emergency, I am constrained to request that you will abrogate all these contracts when the parties have been discharged from the military service on writs of habeas corpus, in order that they may be reclaimed by the military authorities.

The extent to which the army in the field may be weakened by those discharged on habeas corpus on account of having become contractors to carry the mails cannot be, it is presumed, very great, though three were discharged by Judge Halyburton in one day who had agreed to transport the mails on routes exceeding ten miles in length for the annual compensation of 1 mill, 1 cent, and 10 cents, respectively. But the principle of his decision applied to the other classes of exemption would fearfully diminish our ranks just at the time when urgent necessity requires every effort to enlarge them, and this consideration makes me the more earnest in resisting a construction of the law fraught with so much mischief.

In looking into the action of this Department on your communications I must admit and regret the fact, as I have already stated, that in consequence of the great press of business imperatively demanding immediate action the responses have not been so prompt as they should have been and as you had the right to expect. But, while it appears to be in fault from the failure to respond with sufficient promptness, I do not agree that there has been any just cause of complaint as to its action on the subject-matter of your communications; but, on the contrary, hold that its action has been in accordance with the law, the policy of the Government, and the necessities of the country.

With great respect, truly, yours,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 13. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 3, 1864.*

I. In the event of the loss of company records and the consequent inability of the commanding officers to certify therefrom the clothing accounts of soldiers, said accounts may be stated from memory, provided such statements are supported by the affidavits of the soldiers interested.

II. When, from the casualties of war, companies have been entirely deprived of their officers, in the adjustment of clothing accounts the affidavit of the soldier, together with those of two of his comrades, will be esteemed sufficient evidence to authorize a settlement with him if the statement shall be approved by the regimental commander.

III. Hereafter the articles of clothing issued during the year will be stated opposite the name of each soldier, upon the muster-roll of his company, at the annual settlement directed in General Orders, No. 100, Adjutant and Inspector General's Office, December 8, 1862.

IV. The attention of company commanders is called to the requirements of the above-quoted general orders. By failing to account for clothing received by them for issue to their men they render themselves liable to be charged with its value, and a stoppage of their pay to the amount.

V. From and after the 1st of February, 1864, instead of supplying company commanders with clothing for their men, officers of the Quartermaster's Department will issue to the soldier upon the requisition of his immediate commanding officer.

VI. In making payments to soldiers upon descriptive lists, officers of the Quartermaster's Department will be careful to indorse thereon the amounts paid and the time for which they have been paid, returning the same to them for delivery to their company commanders and filing with their accounts a certified copy thereof.

By order:

S. COOPER,
Adjutant and Inspector General.

UNOFFICIAL.] ATLANTA, *February 4, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

MY DEAR SIR: I have recently taken the liberty of attending several public meetings, which I have addressed on the subject of furnishing men and provisions for the Army. I have done so without

interfering with my official duties, as I have only gone to such points as I could reach and return within two days.

From these interviews with the people I have learned some important and encouraging facts which I have thought would not be uninteresting to you. In the first place, I am satisfied that the supply of meat in the country is much beyond what I had supposed it would be. I could give you details, but it is unnecessary, to show even the best-informed citizens have been greatly at fault in estimating the quantity of meat that could be got in their immediate neighborhood.

The people need information as to the wants of the Army and the necessity of economy, sacrifices, and energy on their part. If they could be addressed in the right way in every county in the Confederacy, I have no doubt that provisions enough could be got to feed our whole Army, though we got no meat from abroad.

The members of Congress who have nothing else to do could render incalculable aid in this matter if they could be induced to make the right kind of addresses to the people. Better, though, that they should stay at Richmond doing nothing than to transfer to public meetings their wranglings and complainings. That is not what is wanted; we have enough of that without their assistance. The other important fact that I have learned is that our resources of men are far beyond what I had supposed.

In illustration of this fact let me mention some statements made to me. You are aware that under the militia law of the last Legislature the Governor was directed to enroll all our men between sixteen and sixty who are not subject to conscription or in the Confederate service. In one county the State enrolling officer says that his rolls will show that there are more men now in the county between the ages of eighteen and forty-five than have been sent from the county to the war, though the county has done as well as other counties in the State. I could not believe the statement, but he insists it is so, and refers to the details, the mechanics, exempts of all kinds, and counts up large numbers certainly. In another county the State enrolling officer (who I know very well) informed me that he had enrolled 900 men (not including three companies of Georgia State Guard), and that one-half of them were fit for any military service and another fourth fit for local duty. In another district, including three counties, the enrolling officer has now on his rolls over 2,000 men.

I give you these facts as interesting and encouraging evidence of the great resources of our country. It only requires to be brought out, and the best mode of doing it is the great question of the hour. Much—very much—can be done in the way I have suggested if the men capable of arousing the people can be induced to undertake the work.

I regret that I differ so widely from the policy you have determined upon for filling up the Army, but it will not affect my conduct. I shall labor as hard to carry it out as I should have done to carry out my own policy. I must repeat, however, that I think it was a fatal mistake not to allow the formation of new organizations. If that policy had been adopted I believe I could have raised an army in Georgia of 10,000 men. As it is, you will get not one-fifth that number, and them of dissatisfied and discontented men.

It is, however, now too late, and my duty and pleasure will be to labor the more earnestly to overcome difficulties and aid in filling up the Army.

With sentiments of sincere regard, your friend,

HOWELL COBB.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 4, 1864.

General E. K. SMITH:

GENERAL: This will be handed you by Judge L. W. Hastings, late of California, who has received from the President a commission as major to raise troops in Arizona, and been authorized to proceed in the execution of the plan for the recruitment of troops in California or Arizona, and the occupation of the latter as far as practicable, which was referred by you to the consideration of the Department.* It is not contemplated to expend in the scheme a larger sum of money than can be conveniently raised by the exportation of some few hundred bales of cotton into Mexico, which will be managed by Major Hart or some other officer you may intrust with the duty. With the proceeds, which should be enough to furnish Major Hastings with some $10,000 or $12,000 in specie funds, and likewise to forward from the port in Mexico the recruits who may be induced to engage in the enterprise to some rendezvous in Arizona, Major Hastings and a disbursing officer, to be selected by yourself, will go to the selected port. There the disbursing officer will remain on some plausible pretext, while Major Hastings will proceed to California. He is confident of his ability to engage 500 or more men, ostensibly as miners, to come out, armed and equipped at their own expense, and to report to the officer left in Mexico, on the pledge that they will be paid for their arms and equipments and forwarded to the point of rendezvous. They should, of course, preserve throughout the character of a mining association and be careful to do no act violative of neutrality with Mexico, or to so muster and collect as to raise the suspicions of the emissaries of the enemy who may be in Mexico. When assembled in sufficient numbers they will proceed to Arizona and commence their operations for the seizure and occupation of the country. It would be well if men were procured freely from California that some able and enterprising officer of superior rank to Major Hastings should be selected and sent by you to command the expedition. Meantime, when men begin to come in from California so as to afford a reasonable prospect of success, a selected few of them, or some other special agents acquainted with Arizona, should be sent forward into that Territory to engage co-operation and prepare the friends of the South for action at the proper time. I must rely on you to select the proper assistants and officers in this matter, or to commit it to some officer on whom you can rely. I should be pleased if a gentleman of the known character and spirit of Judge Terry would undertake its guidance. While the loyalty and general intelligence of Major Hastings are appreciated, it is felt that he has little military experience, and is rather to be relied on to recruit and get men from California than to conduct and execute the whole plan.

You will give to Major Hastings full instructions as to his course of procedure. I cannot well do so without knowing how far you can command means and may deem it advisable to unite others with him in the performance of his proposed duties. Well conducted, I believe the plan expedient and feasible, but much must depend on the discretion, intelligence, and enterprise of the selected agent.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

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*See proposition of Hastings, Series I, Vol. L, Part II, p. 721.

[FEBRUARY 4, 1864.—For Vance to Davis, in relation to the publication of correspondence on the subject of peace negotiations with the enemy, see Series I, Vol. LI, Part II, p. 817.]

GENERAL ORDERS, No. 15. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 5, 1864.*

I. General Orders, No. 137, series of 1863, is hereby revoked.

II. Supplies of provisions in transitu to arsenals, armories, and ordnance depots for the use of operatives, under the order of commanding officers of the same, will not be interfered with by officers of the departments.

III. As the various railroads of the Confederacy for the transportation of troops, supplies, and munitions of war are under the control of the Quartermaster's Department, the orders of commanding generals and other officers relating to such transportation by railroad will be immediately furnished to the Quartermaster-General in order that arrangements may be made in time to harmonize the various routes so as to prevent accident and delays.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 6. BUREAU OF CONSCRIPTION, *Richmond, February 5, 1864.*

The War Department having directed that a reasonable time be allowed to enable agents not liable to conscription to be procured for service in the Commissary Department, commandants of conscripts will grant details for sixty days of persons applied for in that department on the application being approved by the Commissary-General. Such details will not be renewable unless approved by this Bureau.

Copies of the order of detail will be forwarded to the Bureau.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 5, 1864.

His Excellency M. L. BONHAM,
Governor of South Carolina, Columbia, S. C.:

SIR: I have received Your Excellency's letters of the 19th of December and 27th of January last, inclosing a resolution of the Legislature of South Carolina requesting the Confederate authorities "to forego the right heretofore exercised of shipping cotton and bringing freight on the boats owned by the Importing and Exporting Company of South Carolina, in consequence of the ownership by the State of a part of those boats."

In reply I have the honor to say that a response to the letter of December 19 was delayed because the regulation of the exportation of cotton and other products was understood to be under the consideration of Congress, and it was believed in a brief period legislation would be adopted which would control the whole subject, and either

dispense with the necessity of any arrangement on the part of the State or express the conditions on which such arrangements should be made. An act, it is believed, has received the assent, in its main features, of both houses, but has not yet been so passed as to become law. So soon as its terms are announced some definite understanding can be had with you on behalf of your State. Meantime, as I explained to Mr. Furman, there is every disposition on my part to meet the wishes of your State, and that any vessel engaged by the State and carrying out for it the amount of cotton required by others to be carried out for the Department would not be interfered with or restrained.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

AN ACT to prohibit the importation of luxuries, or of articles not necessaries or of common use.

The Congress of the Confederate States of America do enact, That from and after the first day of March next it shall not be lawful to import into the Confederate States any brandy, wines, or other spirits, or any other article specified in Schedule A of an act entitled "An act to provide revenue from commodities imported from foreign countries," approved May twenty-first, eighteen hundred and sixty-one, or any goods, wares, or merchandise enumerated in Schedule B of said act, except the following articles: All things for medicinal purposes, camphor refined, pickles, molasses, pepper, pimento, cloves, nutmegs, cinnamon, and all other spices; soap, castile, Windsor, and all other toilet soaps; sugar of all kinds; syrup of sugar; galloons, laces, knots, stars, tassels, tresses and wings of gold and silver, or imitations thereof, intended for uniforms of officers in the military or naval service.

SEC. 2. And it shall not be lawful to import the following articles, enumerated in Schedule C of said act: Beer, ale, and porter; muffs and tippets, and all other manufactures of fur, or of which fur shall be a component part, except caps and hats; carpets, carpetings, hearth rugs, bedsides and other portions of carpeting of any kind or description; carriages and parts of carriages; cider and other beverages not containing alcohol; clocks and parts of clocks; cotton laces, cotton insertings, cotton trimmings, or laces of thread or other material; coral, manufactured; dolls and toys of all kinds; firecrackers, skyrockets, Roman candles and all similar articles used in pyrotechnics; furniture, cabinet and household; glass, colored, stained or painted; India matting of all sorts; jet and manufactures of jet, and imitations thereof; jewelry, or imitations thereof; manufactures and articles of marble, marble paving tiles, slabs or blocks, and all other marble; matting, China or other floor matting and mats made of flags, jute or grass; paper hangings, paper for walls, and paper for screens or fireboards; paving and roofing tiles and bricks, and roofing slates and firebricks; thread lacings and insertings; velvets of all kinds.

SEC. 3. And it shall not be lawful to import the following articles enumerated in Schedule D of said act: Angora, Thibet and other goats' hair, or mohair, unmanufactured; bananas, cocoanuts, plantains and oranges; cabinets of coins, medals, gems and collections of

antiquities; diamonds, mosaics, gems, pearls, rubies, and other precious stones and imitations thereof, set in gold or silver or other metals; engravings bound or unbound; rattans and reeds; paintings and statuary; leaf and unmanufactured tobacco and cigars; or the following articles enumerated in Schedule E: Diamonds, cameos, mosaics, pearls, gems, rubies, and other precious stones and imitations thereof, when not set.

SEC. 4. None of the manufactures of metal, designed as either household or personal ornaments, shall be admitted; and in order to confine importations to articles of necessity and of common use, the Secretary of the Treasury shall prescribe the maximum foreign prices at which and within which importations of goods manufactured wholly or partly of cotton, flax, wool, or of silk, and designed for wearing apparel, and not herein prohibited, may be made, and beyond which importations thereof shall not be made: *Provided*, That articles herein allowed to be imported shall not be impressed by the Government or its agents after they have reached the Confederate States: *Provided further*, That nothing herein contained shall be construed to prohibit any importation for the use or account of the Confederate States, or either of them: *Provided further*, That this act shall not apply to any article or articles which have been or shall be shipped without knowledge of the passage of this act, before the first day of March next, but which shall arrive in a Confederate port after that day.

SEC. 5. That whenever any article or articles, the importation of which is prohibited by this act, shall, after the first day of March next, be imported into the Confederate States contrary to the true intent and meaning of this act, or shall, after said first day of March next, be put on board any ship or vessel, boat, raft or carriage, with the intention of importing the same into the Confederate States, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohibited articles, shall be forfeited, and the owner thereof shall, moreover, forfeit and pay double the value of such articles.

SEC. 6. If any article or articles, the importation of which is prohibited by this act shall, nevertheless, be on board any ship or vessel, boat, raft or carriage, arriving after said first day of March next in the Confederate States, and shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner, or consigned to the consignee of such articles, or shall be imported or landed, or attempted to be imported or landed, without a permit, the same penalties, fines and forfeitures shall be incurred, and may be recovered as in the case of similar omission or omissions, landing, importation, or attempt to land or import, in relation to articles liable to duties on their importation into the Confederate States.

SEC. 7. Every collector, naval officer, surveyor, or other officer of the customs shall have the like power and authority to seize goods, wares, and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now have by law, in relation to goods, wares and merchandise, subject to duty; and if any person or persons

shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise so concealed or purchased.

SEC. 8. The following additional oath or affirmation shall be taken by masters or persons having charge or command of any ship or vessel arriving at any port of the Confederate States after said first day of March next, viz: "*I further swear* (or affirm) *that there are not, to the best of my knowledge and belief, on board* (insert the denomination and name of the vessel) *any goods, wares or merchandise, the importation of which into the Confederate States is prohibited by law; and I do further swear* (or affirm) *that if I shall hereafter discover or know of any such goods, wares or merchandise on board of the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district.*"

SEC. 9. After said first day of March next, importers, consignees or agents, at the time of entering goods into the Confederate States, shall take the following additional oath, viz: "*I also swear* (or affirm) *that there are not, to the best of my knowledge and belief, amongst the said goods, wares or merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the Confederate States is prohibited by law; and I do further swear* (or affirm) *that if I shall hereafter discover any such goods, wares or merchandise, among the said goods, wares and merchandise imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district.*"

SEC. 10. All penalties and forfeitures arising under this act, may be sued for and recovered, and shall be distributed and accounted for, in the manner prescribed by the act entitled "An act to regulate the collection of the duties on imports and tonnage;" and such penalties and forfeitures may be examined, mitigated or remitted, in like manner and under the like conditions, regulations, and restrictions as are prescribed, authorized and directed, by the act entitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned."

SEC. 11. That this act shall expire on the day of the ratification of a treaty of peace with the United States.

Approved February 6, 1864.

A BILL to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense.

Whereas, the Confederate States are engaged in a war, upon the successful issue of which depend the integrity of their social system, the form of their civilization, the security of life and property within their limits, as well as their existence as sovereign and independent States; and whereas, the condition of the contest demands that they should call into requisition whatever resources of men and money they have, for the support of their cause and to faithfully administer the same: Therefore, as a part of the system of the public defense—

The Congress of the Confederate States of America do enact, That the exportation of cotton, tobacco, military and naval stores, sugar, molasses and rice from the Confederate States, and from all places

in the occupation of their troops, is prohibited, except under such uniform regulations as shall be made by the President of the Confederate States.

SEC. 2. That if any person or persons shall put, place or load, on board any ship, steam-boat, or vessel, or any other water craft, or into any wagon, cart, carriage, or other vehicle, for conveyance or transportation beyond the Confederate States, or into any portion of the said States occupied by the enemy, any of the articles mentioned in the first section of this act, or shall collect the same for the purpose of being conveyed or transported, contrary to the prohibition aforesaid, within the Confederate States or beyond them, the said articles, and the ship, boat, or other water craft, wagon, cart, carriage, or other vehicle, with the slaves and animals that may be employed or collected for the purpose of aiding therein, shall be forfeited, and all persons, their aiders and abettors, on conviction of being interested or concerned in the enterprise, shall be deemed to be guilty of a high misdemeanor, and punishable by such fine or imprisonment, or both, as the court may impose.

SEC. 3. That it shall not be lawful to put on board any ship, boat, vessel or other water craft, or upon any wagon, cart, carriage, or other vehicle, for transportation or conveyance as aforesaid, any of the articles aforesaid, unless a permit be previously obtained from some officer of the Confederate States, specially authorized to grant the same, particularly describing the articles thus to be laden, and the ship, boat, vessel, water craft, wagon, carriage, cart, or other vehicle, on which the same is to be transported, and until bond shall be given that the same shall be conveyed and transported to the place of destination, under such conditions and regulations, and for such objects as shall be prescribed by the President under the first section of this act.

SEC. 4. That the collectors of all the districts of the Confederate States, and such other officers as may be designated by the President of the Confederate States, shall have power and authority to take into their custody any of the articles before mentioned found on any ship, boat, or other water craft, when there is reason to believe that they are intended for exportation, or when in vessels, carts, or wagons, or any other carriage or vehicle whatsoever, or, in any manner, apparently on their way towards the territories of a foreign nation, or towards the territory of the Confederate States in the occupancy of the United States, or the vicinity thereof, or towards a place whence such articles are intended to be exported, and not to permit the same to be removed until bond shall be given, with satisfactory sureties, that no violation of this act, and the regulations under the same, is intended.

SEC. 5. That the powers granted by this act to the revenue or other officers of the Confederate States under this act to allow or refuse exportation of the articles before mentioned, or for the seizure or detention of any of the said articles, shall be exercised in conformity with such instructions as the President may give through the Departments of War and of the Treasury, which instructions may impose conditions to the destination and sale of the same, and the investment of the proceeds of the same, or a portion thereof, in military or other supplies for the public service, which instructions such officers shall be bound to obey; and if any action or suit shall be brought against any such officer or officers, or their agents, he or they may plead the

general issue, and upon proof of a compliance with the provisions of this act, or of the regulations and instructions of the President, he or they shall be absolved from all responsibility therefor; and any person aggrieved by any of the acts of any of the officers or agents aforesaid, may file his petition before the district court of the district in which such officer or agent resides, and after due notice to him, and to the district attorney, the said court may proceed summarily to hear and determine thereupon as law and justice may require, and the judgment of the said court, and the reasons therefor, shall be filed among the records of the court. And in case any release shall be granted, the judge may impose such conditions as to giving bond and security as may, in his opinion, be necessary to secure this act from violation, and in case of refusal, may impose double or treble costs upon the petitioner, if the circumstances warrant it: *Provided*, That nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated, on their own account.

SEC. 6. That exclusive jurisdiction is conferred upon the district courts of the Confederate States, of all suits or actions that may arise under this act in behalf of the Confederate States, its officers and agents, for the recovery of all fines, penalties and forfeitures, imposed in the same, by indictment, information or action, according to the practice of the court, and the distribution of the penalties and fines shall be made, under and according to the laws now in force for violation of the revenue acts; and all laws for the mitigation and remittance of penalties and forfeitures shall be applied in similar cases.

SEC. 7. That it shall be lawful for the President, or such officers as he may designate, to employ any portion of the military or naval forces of the Confederacy, or of the militia, to prevent the illegal departure of any ship, vessel or other water craft, or for detaining, taking possession of, and keeping in custody the same, or any wagon, cart, or other vehicle hereinbefore mentioned, their teams and drivers, and their products aforesaid, and to suppress and disperse any assembly of persons who may resist the execution of this act, or oppose the fulfillment, by the officers, of the duties imposed by the same.

SEC. 8. That this act shall expire on the day of the ratification of a treaty of peace with the United States.

Approved February 6, 1864.

AN ACT to prohibit dealing in the paper currency of the enemy.

The Congress of the Confederate States of America do enact, That no broker, banker, or dealer in exchange, or person concerned in trade as a merchant, or vender of merchandise of any description, or any other person, except within the lines of the enemy, shall buy, sell, take, circulate, or in any manner trade in any paper currency of the United States: *Provided*, That the purchase of postage stamps shall not be considered a violation of this act.

SEC. 2. That any person violating the provisions of this act shall be subject to indictment and prosecution in the Confederate court holden for the district in which the offense was committed, and shall, upon conviction, forfeit the amount so bought, sold, circulated or used, or a sum equal thereto; and shall be, morever, subject to a fine of not more than twenty thousand dollars nor less than five hundred, and be imprisoned not less than three months, nor more than three years,

at the discretion of said court; and it shall be the duty of the judges of the several Confederate courts to give this act specially in charge to the grand jury.

SEC. 3. That this act shall not be construed to apply to any person acting in behalf of the Government of the Confederate States, by special authority from the President, or any of the heads of departments.

Approved February 6, 1864.

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
ORDNANCE BUREAU,
Richmond, February 6, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

I have the honor to say, in reply to the communication of His Excellency the Governor of Florida,* relating to arms, which was referred to this Bureau for attention, that on the 5th of September, 1863, an order was made on the Augusta Arsenal for 2,000 Austrian rifles and 100,000 rounds of ammunition, to be forwarded to the Columbus Arsenal for issue to General H. Cobb. At the same time by my direction a letter was written to Major Humphreys, commanding the Columbus Arsenal, requesting him to issue the arms sent to his arsenal on requisition approved by General Cobb, as "the President thinks it better that these arms should be issued through General Cobb, rather than Governor Milton." In regard to the wipers, they could have been supplied at any time upon requisition. On the 1st of February a requisition from Maj. G. W. Scott, commanding the Fifth Florida Battalion Cavalry, approved by Governor Milton and the commanding general of the department, was referred to Major Humphreys, commanding C. S. arsenal, Columbus, with instructions to supply the cavalry equipments. Orders were also made on the Richmond and Macon Arsenals to furnish all the musketoons on hand, which will number 300 or upward.

Respectfully, your obedient servant,

J. GORGAS,
Colonel and Chief of Ordnance.

MEMORANDUM.—Papers are forwarded to the Quartermaster-General.

[Indorsement.]

FEBRUARY 10, 1864.

Let this, with Governor Milton's letter, be referred to Major Barton.

J. A. S.,
Secretary.

GENERAL ORDERS, No. 16.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 6, 1864.

I. The Bureau of Conscription affords adequate means for bringing into service persons liable to military duty; and all authorities given prior to December 1, 1863, to raise troops from men not within the lines of the enemy, or to recruit for any particular command in the field, are hereby revoked.

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* See p. 45.

II. Recruits enlisted by authority for new companies which have not at this time seventy-two non-commissioned officers and privates actually mustered upon the rolls will be turned over to the Bureau of Conscription and allowed to select any infantry company they may prefer, under the provisions of paragraph II, General Orders, No. 7, 1864.

III. Persons acting under authorities to enlist men for new companies, either without or within the lines of the enemy, granted since 1st of December, 1863, will at once report to the commanding general of the department in which they may be copies of such authority, with a statement of the number of men enrolled by them; and without further authorization from such commanders, their power will expire at the end of thirty days from the date of this order.

IV. The preceding orders are not intended to have any effect in the Trans-Mississippi Department.

V. Commandants of posts and officers of the Conscription Bureau will enforce this order.

By order:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
February 8, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: The present decision of the Department on the provisions of the act of Congress approved April 16, 1862, section 10, seems to be that an officer or private can only be promoted for valor and skill to a vacancy in his own company. This limits the promotions for valor and skill to such an extent that it renders the law almost a dead letter. I would earnestly recommend that if this is the true interpretation of the law that it be modified so as to permit promotions on this account to any company or regiment from the same State, or at least to any company in the regiment to which the private or officer belongs. It is very important to increase the number of these promotions and to render them more certain. In the coming campaign we should use every incentive to acts of daring and skillful and brave conduct on the part of officers and men.

I am, very respectfully, your obedient servant,

R. E. LEE,
General.

BUREAU OF SUBSISTENCE,
February 8, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The letters of Messrs. Isaac Shelby and Charles F. Johnson, dated 22d of January, in which they propose to exchange meat for cotton, referred by you to Colonel Northrop for "consideration and report" and by him to me, has been considered. For reasons which will appear in the sequel I submit the report directly to you, a fact known to and approved by Colonel Northrop. I have made so many

reports in such cases that it is unnecessary to repeat them here further than to say this, that I would never hesitate to make such contracts whenever they can be arranged so as not to conflict with others of the same sort, or with a different policy.

But I should be derelict in my duty as a citizen if I failed to urge your attention to another class of considerations growing out of such proposals. They are more particularly the result of reflections growing out of a contract which I recently made under your orders with Mr. Beverly Tucker. The present time seems propitious for the commencement of negotiations with one or more of the factions or parties in the United States with a view to give us an influence upon their affairs. The granting or apparent granting of a contract for various army supplies, wide enough in its scope to embrace many interests and large enough to tempt cupidity or venality, appears to be the best cover to approaches for that purpose, and a liberal compensation in cotton offers to them the most tempting as to us the cheapest and most available medium of payment. It is true that a good many contracts looking to the mere procurement of supplies in limited quantities through the blockade have been made with various parties and that none of them have obtained provisions; but, in my judgment, this has been because all these contracts have been limited in amount and distributed among many individuals. Had they been wider, larger, and more concentrated, I think the result would have been very different. If they can be now made and connected with diplomatic movements judiciously conducted I am sanguine that they will not fail of a happy and probably an altogether successful issue.

Watching the expression of opinion on both sides in this war, I have been surprised at the absence of all speculation as to its ulterior effects upon the parties. We look merely to our own unhappy condition in the event of subjugation; they contemplate only emancipation, confiscation, and extermination. To my mind certain fixed consequences of great moment are suggested beyond these.

The first is the depopulation of the Northern and Eastern States. Slavery once destroyed, actually or in near prospect, that result is inevitable. Their soldiers alone, with their families and dependents, amounting to 2,000,000 or 3,000,000, would take instant possession of their share of the spoils and the rest would follow at no great distance; for if the Northwest, with its rich soil but inhospitable climate, remoteness from market, and all the disadvantages of newness, can draw annual swarms of immigrants, who can resist the climate, soil, and productiveness of the South? And when the labor is transferred what shall prevent this most mechanical people from placing with all convenient speed their mills and workshops in juxtaposition to products which are now transported to them over wide spaces?

But all this must produce violent present dislocation and probable future dismemberment. Instant stability cannot follow such changes nor be established, if ever, until long years after this generation shall have passed away. Northern capital will have been stranded by the ebb of the labor on which it floats, and a sweeping confiscation at the South will have operated not only a sure destruction of present industry, but a bar to the success of its substitute. The spirit of the South will have been banished or extirpated, and even the dregs that remain will ferment in ceaseless irritation.

On either flank, in Canada and in Mexico, hordes of desperate refugees will hover and perpetually stimulate England and France to war in coalition against a power overgrown, flushed with conquest,

and arrogant from success. Nor will the task of persuasion be arduous as against a western rival whose democratic principles and Russian sympathies do really appear to threaten civilization with both alternatives of Napoleon's prediction, and to make Europe "Cossack and republican" in less than his "sixty years." That influences of this kind, fostered by apprehension on the one hand, provoked by intemperance on the other, may be successfully applied is plain to all who know the part, either open or secret, that was played by French refugees in the politics of Europe during the wars of the French Revolution, or who recollect that all those wars were based and prosecuted on conservative grounds. They will be assisted also by internal dissensions. The difficulties and conflicts that must come from exterminating the negro, which upon this continent is the only mode of exterminating slavery, will combine with the discontent of the Southern pariah and the extravagances of labor uncontrolled by capital to protract and intensify the double exhaustion incident to emigration and change of system.

And finally, the restrictions on trade, which are a necessary feature of Yankee polity, and by which they will endeavor, as heretofore, to cripple or tributize the industry of all but themselves, must make them enemies of all who are or would become their rivals in trade.

It is not too much to declare that England and France, not less in self-defense than in a spirit of aggrandizement, will be compelled to dismember the United States if we shall fail to do so. The temptation to do it, at least to the extent of her Pacific territory, is fairly irresistible. That, at least, they can part between themselves, or establish as a protectorate and thus destroy the most formidable competitor for that Asiatic trade which has been for centuries the goal of nations.

If these views are sound I should think it not difficult to impress them upon the North with the force of conviction. After that it might be easy to go further and persuade them to think, what is indeed very true, that if we succeed the only means to prevent injury to themselves will be the continuance and even the enlargement of slavery. That alone is the barrier to the drain of wealth and labor, which upon the dismemberment of the Union will else precipitate itself upon our organized society.

The present seems to be the proper time for the commencement of negotiations for other reasons. I have never doubted the sympathy of Napoleon with our struggle. I have had a private reason for it, and have concluded that he only wanted a proper opportunity to manifest it. Now his interests and ours approach more nearly every day. They must become identical if Mexico is ruled by Maximilian. The decision of that question approaches. If we are recognized and the United States shall resent it, she has a war on hand with two powers when she has proven herself at least not more than equal to one. If she shall not resent it, then, *a fortiori*, she will not resent our recognition by stronger powers, and our revolution will have been accomplished. The intervening period, one of doubt to them at least, if not to us, is critical, and we should improve it. If we can attain our object before or without intervention or recognition, our prestige will be by so much the greater, not less if we can use the apprehension of it to the same end.

The political condition of the United States is now favorable for diplomacy. There are now there four parties, actually or in embryo—the Abolition, the Military, the Democratic, and the Conservative.

Ahead of them all in violence of action and audacity of speculation are the Abolitionists. The Democrats and Conservatives must view them with dislike and distrust. With scarcely more favor will they contemplate the probable ascendancy of military interlopers, who, with as much selfishness as professed politicians and less knowledge of or respect for political principles, are likely to consult only what their instincts as adventurers shall indicate as their personal interests.

Personal ambition, not less than an apprehension of such consequences as I have rapidly sketched, will stimulate the Conservatives and the Democrats to resist men whose success will not only bring personal defeat to themselves, but the disasters of innovation upon the country. But to take and hold their ground against these agitators and adventurers they must have money. Men they will then get in abundance. I make here no account of Yankee venality. But when I see all men at the North refusing to volunteer (except a part of those who are already in arms), and using every device to avoid a draft which may yet include them, I know that a large majority must be peace men at heart, and only want a proper organization to range themselves openly in a peace party of such extent and power as will demoralize the Army and paralyze Mr. Lincoln.

But money is usually necessary to political organizations. It is always necessary at the North. Now especially they must have it in sums sufficient to counteract what jobbers and army contractors can spare from their large gains to subsidize editors and leaders of the war and Abolition parties.

Possibly the speculations I have advanced will not find a lodgment in the minds of the North, who, whether as statesmen or citizens, may not look quite so far ahead. If so, we lack not the means of appealing to their love of money, power, and material advancement. The accumulation of cotton and cotton fabrics, which has hitherto enabled the world to stand aloof from this war, is now nearly exhausted. As was to have been expected, the dearth of cotton has not been compensated by increased Eastern production; for what it has cost us nearly a century of steady industry to reach could not be arrived at by mere price in three years, especially in a country like India. Cotton now sells for about six times its average peace price in gold. The articles for which we would barter it do not in any item exceed twice their peace prices; and if they reach so much it is only because of the inflation of Federal currency. To the Northern operator who can pay for cotton in exports it must be very valuable. Gold is really getting scarce with them because it is getting scarce in England; scarce there because gold now goes to India to buy cotton, but does not return; it is buried there. Hence the rise of interest in the Bank of England. But formerly she used to purchase cotton with exports mainly sent to us. The advantage of such mode of payment is now six times as great as it used to be. This is the true measure of the amount of subsidy that can be offered in money value. It cannot be had as cheaply by arms; still other inducements can be held out, among them a liberal commercial treaty.

To the West upon condition of severance from the United States still greater attractions may be offered. All the above, free trade with the Lower Mississippi and its tributaries, and to the whole, or a part of them, the prospect, not remote, of an incorporation into the Southern Confederacy upon the basis of slavery. The purchase of their officers, both civil and military, and of all grades, is not difficult,

if what I hear be true. And under sufficient instigation their armies can be split and demoralized. A simple resolution in the platform of a strong party in favor of pensioning those and only those who shall have served a given length upon a modicum of land in the Northwest would shake their army to pieces; or such other devices as themselves might conceive would do that work.

But I decline to follow a subject so fruitful in diplomatic themes. Our own condition would seem to require the effort. I have good reason to think that the spirit of Congress as a whole is not heroic, and reverses in the spring may cause more defection than is now anticipated. North Carolina, better indeed than she is reported, is yet in an unsatisfactory condition. There certainly is not meat enough in our limits to feed both army and people at half their customary rates, and starvation is the parent of mutiny and discontent. The corn for General Lee's army is now mainly obtained from beyond the limits of Virginia, and nearly all his subsistence depends upon the integrity of the road from Weldon to Petersburg.

These things and many more that are too well known to you for recital, are potent persuasives to ward off by diplomacy blows which may not be averted by battle; which may indeed be struck in the dark by traitors bought with Federal gold.

It may have been chivalrous in the commencement of this war to decline the use of means which all the time the enemy have successfully employed against us; means by which, I believe, they gained Kentucky and wrenched Missouri from us; means by which I am certain they are now trying to detach North Carolina through the intimacy that has always existed between Mr. Holden and Governor Johnson, of Tennessee, but to continue this dignified course any longer appears to me to be romantic. The character which the war has long since assumed justifies, in my judgment, a resort to much more questionable measures than I have suggested, which are in fact among the commonest expedients of hostilities.

I do not think it necessary to give herein the details of the plan I propose, which are necessarily imperfect and outlinear. I prefer in any case to leave them to other and abler hands. But if the above is approved to the extent that it shall be made ground of action, and you shall desire it, I will submit them hereafter for your consideration.

I trust I shall be pardoned for suggesting that if attempted the condition of our supplies and the political condition of the North demand speedy action.

Very respectfully, your obedient servant,

FRANK G. RUFFIN,

Lieutenant-Colonel and Commissary of Subsistence.

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 17. } *Richmond, February 8, 1864.*

I. Paragraph VI, General Orders, No. 8, current series, is amended thus:

Commutation of rations, at $1 per diem, will be allowed paroled unexchanged prisoners on furlough. This order to take effect from the 1st of January, 1864. The officer paying the accounts will indorse on the furlough the date and length of time for which payment has been made.

II. Paragraph II, General Orders, No. 97, series 1862, is amended thus:

Officers and agents of the Quartermaster's Department are hereby ordered not to interfere with leather or hides purchased or contracted for by officers or agents of the Ordnance Department.

By order:

S. COOPER,
Adjutant and Inspector General.

BUREAU OF SUBSISTENCE,
Richmond, February 8, 1864.

Col. L. B. NORTHROP,
Commissary-General:

COLONEL: I have to report the receipt of late services from Maj. W. H. Smith, commissary of subsistence, on inspection duty in North Carolina, South Carolina, and Georgia, in which encouraging accounts are given of the ability of the latter State to meet our wants fully with breadstuffs, and partially with meat, if the system inaugurated for supplying General Johnston's army be vigorously carried out, viz, drawing supplies from Northern Georgia and Alabama, and relieving Major Allen's district in Southwest Georgia, and if the required reforms in the management of railroad transportation are at once adopted. Major Smith cites numerous and flagrant abuses to which this important arm of the public defense has been and is constantly subjected, showing that the Government is deprived of many facilities by the cupidity of railroad companies and the corruption of agents and employés, who regard their personal interests as paramount to all other considerations. The official report of the Charlotte and South Carolina road exhibits the following statement of receipts: From the Confederate States, $336,603; private freight, $270,544; Southern Express Company, $186,281; the latter paying one-half as much as the Government, illustrating beyond dispute that the amount of transportation controlled by this company is greatly beyond what they are legitimately entitled to, and the additional fact is given that some twenty or thirty cars are owned by it at Augusta, which necessarily occasion interruption to more important trains. We are now dependent on the south for bread, yet under the most favorable circumstances, with existing arrangements, it is impossible to provide for the daily wants of General Lee's army and the troops in this State, to say nothing of the imperative necessity for creating a reserve in anticipation of the many emergencies likely to arise not only from movements of the enemy, but from accidents on a line of communication between 600 and 700 miles in length. To-day we have not on hand rations for two days, and with no prospect of accumulations in this State from purchases, &c., it is impossible to foresee how forward movements can be made by the Army of Northern Virginia in the spring if we continue to be pressed for the current demands, and no increase is made from the only source to which we can confidently look. With no efforts to improve our facilities of transportation, and whilst the present defective system continues, we must remain in a condition of uncertainty that sooner or later will culminate in disaster. We are apprised that thirty-five cars loaded with corn have remained at Gaston, N. C., one week, besides large quantities of other supplies at that place and Raleigh, owing to the derangement of the trains by military move-

ments and by the failure of the Raleigh and Gaston road to run through to Petersburg, as suggested some time since to the chief of Railroad Bureau. That number of cars, thirty-five, in the time specified, would have moved nearly 14,000 bushels of corn, but because the convenience of the road is to a great extent consulted as in opposition to the urgent wants of the Government, we cannot anticipate that our condition will be in the slightest degree improved until summary, vigorous, and determined measures are enforced.

Major Sims informs me that the president of the Gaston road will commence running through trains from to-day until the block is removed. The demand on Major Allen's district from Major Cummings still continues heavy, interfering seriously with his ability to meet the wants of our army in Virginia. Under date of the 1st instant he writes as follows:

> I shipped last week to Atlanta for General Johnston's command 16,200 bushels meal, 1,300 bushels peas, 89,000 pounds bacon, sides, 260 barrels molasses, and a quantity of pickled beef. I am shipping daily to him eight or ten car-loads. Let me be relieved from this command, &c., and I will supply Virginia abundantly.

The necessary instructions have been forwarded to Major Walker, chief commissary of Alabama, to render all the assistance possible to General Johnston's army, but the demands for transportation of coal and iron to Atlanta for the Navy Department seriously embarrasses operations; and as it seems impracticable to provide for the wants of both departments with such limited facilities, the wants of the most urgent and important should receive precedence, if not compel one to yield wholly to the other.

The suggestions of Major Smith relative to the employment of a part of the machinery and resources of the Navy Department for repairing and building rolling-stock, &c., are worthy of the earnest consideration of the proper authorities, for many locomotives, cars, &c., are now valueless because of the limited appliances at the command of railroad companies, and if even a portion be so employed, he is confident very great additions can be made to roads now greatly deficient in material, &c. As our existence as a nation is dependent upon the efficiency and preservation of the Army, I may be pardoned for expressing the opinion that every other branch of the public defense should be subservient to that upon which we can alone rely. For several months past I have repeatedly called your attention to the difficulties under which we labored in the collection of subsistence, owing to the defective management and limited resources of transportation, confidently anticipating that such action would be taken by the proper authorities as would be calculated to assist us in collecting requisite supplies for the troops in this State, but no relief has been afforded except through the special agents of this department, and then only of a temporary character, for as soon as they disappeared from the important shipping points the same difficulties would arise, and subsistence stores for days and weeks would be permitted to remain at stations and depots until railroad agents and others were favorable to their removal. Unless the most stringent regulations are adopted for the management of transportation, and the interests of the Government receive full and constant protection from the abuses practiced by those in charge, it would be idle to expect any improvement in our condition.

Very respectfully, your obedient servant,

S. B. FRENCH,
Major and Commissary of Subsistence.

[First indorsement.]

RICHMOND, *February 8, 1864.*

Respectfully referred to the Secretary of War.

From the beginning of the war I have steadily aimed at keeping up railroads to their utmost capacity; have made frequent attempts to have this most vital subject placed on a footing of improvement. In the summer of 1862 I proposed a man whose plan and capacity promised success. From the winter of 1862 I urged that vital necessity required that all other demands for transportation should be stopped until supplies were accumulated. From last summer to this period similar efforts have been made. Since Major French has been on duty in this Bureau his attention has been necessarily directed to this matter, which he has now ably presented. I earnestly commend his letter to your attention.

L. B. NORTHROP,
Commissary-General.

[Second indorsement.]

FEBRUARY 9, 1864.

QUARTERMASTER-GENERAL (Major SIMS):

Let me see you after examination and consideration of this paper.

J. A. S.

[Third indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
February 10, 1864.

Respectfully forwarded to Lieutenant-Colonel Sims.

By order of Quartermaster-General:

W. F. ALEXANDER,
Major and Assistant to the Quartermaster-General.

[Fourth indorsement.]

RAILROAD BUREAU,
Richmond, February 23, 1864.

Respectfully returned to Quartermaster-General, and his attention called to inclosed report.

F. W. SIMS,
Lieutenant-Colonel and Quartermaster.

[Fifth indorsement.]

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, February 24, 1864.

These papers are respectfully forwarded to the Secretary of War.

I cannot too earnestly call attention to the views and suggestions presented by Lieutenant-Colonel Sims.* Any agreement drawn from the condition of railroad transportation twelve months since must be fallacious, as the demands of the Government upon the railways have more than doubled in that time. Then corn was not transported from Georgia to forage the horses of General Lee's army. Then the Commissary Department did not call for corn to feed the troops of the same army, but wheat was relied on solely for that purpose. Then the same department did not attempt to transport meat from points far south to Virginia. Now the roads are expected to respond

* Follows as an inclosure.

promptly to all these new demands without any additional assistance. Let any practical suggestion for improvement be suggested, and it will be promptly adopted.

A. R. LAWTON,
Quartermaster-General.

[Inclosure.]

C. S. QUARTERMASTER'S DEPT., RAILROAD BUREAU,
Richmond, February 22, 1864.

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: Accompanying this report I respectfully return a communication from the Bureau of Subsistence relative to defective transportation of supplies, in which Maj. W. H. Smith, commissary of subsistence, is quoted as saying that if the "required reforms in the management of railroad transportation are at once adopted" the supplies of subsistence, which are abundant in Georgia, will be carried to General Johnston's army. What the "required reforms" are Major Smith does not mention, and it will be therefore impossible for me to avail myself of their advantage. It shall be my earnest efforts to apply any practicable remedy that is suggested, and I shall seize with alacrity any plan promising relief, but until some feasible proposal is made I will be left to my own resources to manage this vexatious question. The charge of cupidity and corruption against railroad companies and of agents and employés who regard their personal interests as paramount to all other considerations is too vague to admit of investigation. Officers of the Commissary and Quartermaster's Departments are habitually and publicly charged as the railroad companies are in this communication, and a sense of the injustice we endure should create a charitable spirit. The Charlotte and South Carolina Railroad, however, is particularized as illustrating beyond question that the transportation of this company is beyond what it is legitimately entitled to, and the earnings of this company for last year are cited to prove that this road has done a large business for private parties. To answer this charge I would ask if this road has not performed promptly all the Government business offered it? If it has, then what possible objection can there be to its working for other parties?

It certainly is not the policy of the Government to confine railroads to Government work exclusively. It is to be hoped this is not one of the "required reforms." Last year, when the Government did not need within 50 per cent. of the supplies from Georgia that it is wanting now, a small surplus was accumulated in Richmond. The past twelve months has improved transportation but little, and it will be a cause of congratulation if the Army of Virginia has its daily wants constantly met. It is useless to hope for more, for such expectations will not be realized. Every effort is being made and will continue to do more than this; but I cannot blind myself to the truth, nor will I lead others to do so. The communication says, "With no efforts to improve transportation, and while the present defective system continues, we must remain in a condition of uncertainty that sooner or later will culminate in disaster." The writer is mistaken in supposing that no efforts are being made to improve this important branch of public service. Great efforts have been made, and with success. The writer is ignorant of the increased power now occupied between

Augusta and Richmond over last year. Probably 15 locomotives and 200 freight cars are now working between those two points which were not there last year. Does this look as if no efforts were being made? The writer charges that thirty-five cars loaded with corn remained at Gaston one week. This is true, but what was the cause of it? General Pickett seized the trains of the Petersburg Railroad and carried them away to Kinston, causing a total stoppage of business on this road. Are such delays chargeable to transportation or the system under which it is conducted? The demands of the Navy Department may interfere with transportation, but are the claims of that Department to be ignored? No orders have reached me to that effect, and until they do I must continue as heretofore.

The suggestions relative to putting the naval works at Columbus and Charlotte at repairing railroad machinery was recommended to the Honorable Secretary of the Navy, but he did not view it favorably. If the business of transportation was confined to removal of commissary supplies, it would present no difficulty; but it really is less than one-third of the work. It is not at all unusual for persons to suppose that they can manage railroads with much more ability than those who have them in charge. It is still more unusual to find such professions supported by facts. The subject of transportation has had all of my attention, and there is but one way in which it can be improved, and that is by liberal details of machinists from the Army. Details for sixty days do but little good. They must go permanently into the workshops and have material to work with. I have asked for them and they are not granted. Every road has its shop and tools, but it has few workmen. You may work, and plan, and devise, and suggest, and at last you will come to this conclusion. The recent guaranty given by the Secretary of War to those [who] will go into the iron business will come to nothing, because the details asked for were not promised, and it is the same reason that has depreciated the rolling-stock of the country. I asked once for a detail of one mechanic for every ten miles of railroad in the Confederacy, but so preposterous, I suppose, was considered the demand that no answer was returned to me. I repeat it, transportation must continue to depreciate until the mechanics are detailed. It is a short-sighted, ruinous policy that looks to any other source for relief, and I entreat you, general, not to pass my suggestion by without consideration, and if you would have them substantiated by older and wiser heads I beg you to consult them. All I ask is, let them be practical railroad men. I am willing to do all that I can do, but to improve transportation without men and material is the requisition of the Egyptian taskmaster. Give me the men and you shall see advantages from them. Refuse and I can promise nothing.

I am, general, very respectfully, your obedient servant,

F. W. SIMS,

Lieutenant-Colonel and Quartermaster.

EXECUTIVE OFFICE,

Shreveport, La., February 8, 1864.

Hon. JAMES A. SEDDON,

Secretary of War, Richmond, Va.:

SIR: As requested by the General Assembly, I have the honor herewith to transmit to you a copy of the annexed resolutions, adopted by

the Legislature of this State, and respectfully invite your attention to the same.

Respectfully, &c.,

HENRY W. ALLEN,
Governor of the State of Louisiana.

JOINT RESOLUTIONS in relation to the further prosecution of the war.

Whereas, the United States continues to wage war against the Confederate States with ruthless barbarity and an utter disregard of the rules of civilized warfare; and whereas, the despot who wields with absolute power the destinies of that Government has manifested in all his messages and proclamations a malignant hatred of the people of the South, and a disposition to heap insult upon injury and outrage; and whereas, this course of conduct has strengthened us in our determination to maintain our separation from the Government and people of the North: Therefore—

First. *Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the barbarous manner in which our enemies have waged war against us deserves the execrations of all men, and has confirmed and strengthened us in the determination to oppose to the last extremity a reunion with them, and that the spirit of our people is unabated in the resolution to resist every attempt at their subjugation.

Second. *Be it further resolved, &c.*, That relying upon the ability of our Chief Magistrate, the skill of our military leaders, the bravery of our soldiers, the heroic devotion of our women, the ardent patriotism of our men, and, above all, upon the justness of our cause, invoking the blessing of Almighty God upon our efforts, we confidently abide the result.

Third. *Be it further resolved, &c.*, That in this hour of trial the State of Louisiana tenders to her Government and sister States her warmest sympathy and cordial co-operation; and she hereby declares her unfaltering determination to spare no expense of blood or treasure in defense of the Confederate States of America as a free and independent republic.

Fourth. *Be it further resolved, &c.*, That His Excellency the Governor be, and he is hereby, requested to transmit copies of these resolutions to our Senators and Representatives in Congress, and to the Governors of our sister States.

J. B. ELAM,
Speaker of the House of Representatives.
A. H. ISAACSON,
Clerk of the House of Representatives.
JOHN MOORE,
President pro tem. of the Senate.
WM. F. WAGNER,
Secretary of the Senate.

Approved February 8, 1864.

HENRY W. ALLEN,
Governor of the State of Louisiana.

GENERAL ORDERS, No. 18. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 9, 1864.*

I. Applications from officers of the Niter and Mining Corps for field service cannot now be considered. Workmen employed by them may

be organized and armed for local defense, but their military orders must be subordinated to work as the leading aim and consideration, and second in importance to no other military service.

II. A limit (not yet reached) to the number of able-bodied workmen to be assigned to this service—submitted by the chief of the Niter and Mining Bureau—has been carefully considered and approved, and communicated to the Bureau of Conscription as a guide for its action.

III. Military commanders will extend to the Niter and Mining Service, especially in districts exposed to the enemy, protection, aid, and encouragement.

IV. General Orders, No. 32, series 1863, forbids interference with the workmen or employés at mines, furnaces, or niter works, whether worked by the Government or contractors. These orders are now repeated, and especial attention is called to them.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
BUREAU OF CONSCRIPTION,
Richmond, Va., February 9, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to forward herewith the report of Lieut. Col. E. D. Blake on special registration.

Very respectfully, your obedient servant,

JNO. S. PRESTON,
Colonel and Superintendent.

[Inclosure.]

ATLANTA, GA., *January 25, 1864.*

Capt. THOMAS PINCKNEY,
A. A. G., Bureau of Conscription, Richmond, Va.:

CAPTAIN: In the following estimate of the number of troops furnished by the different States I am aware that the plan I have adopted in some cases is open to objection, but when it is carefully considered I think it will be found that the errors to which it may be subject, in favor of a little greater or lesser result, will about cancel other considerations, and my conclusions practically correct.

The principal object being to obtain the resources of the State in the event of a modification of the present law, I have adopted the most direct method in each case to the attainment of this object, and when the means at my disposal admitted of it, have verified my calculations by others, based upon other statistics.

In my calculations for Alabama and Mississippi the limited data in my possession did not admit of it, and the results depend alone upon the estimates I have made under such circumstances.

The operations of the conscript department in those States do not enter into my calculations, because I could extract no reliable matter from the confused condition of the papers in Major Denis' office. In that office, under the superintendence of General Pillow, much of the details of the department were carried on without any record having been kept. Exemptions and details were granted or refused on the back of the applicant's letter and no memorandum made of it. The reports from the subordinate officers purporting to show the number of men put into the service (without uniformity), I was informed by

the officers of that department, were probably incorrect, from the fact that the subordinate officers sometimes reported to General Pillow and at other times through their immediate commanders, which occasioned these officers to report the same conscripts frequently as the result of their individual operations. One case there was in which the same number of men was reported three times. Under such circumstances I was unwilling to use these calculations in my report.

I have officers in Alabama and Mississippi collecting rolls called for by circulars from the Bureau of Conscription, and I hope to be able to show from these rolls where material addition may be made to the Army without injury to the industrial pursuits of the country.

The final report from Georgia will be forwarded in a few days.

I have sent Lieut. N. A. James to Virginia to complete the work commenced there by him.

Very respectfully, E. D. BLAKE,
Lieutenant-Colonel, C. S. Army, on Special Service.

VIRGINIA.

When it is considered that our Army has been recruited from the white males above fifteen years of age for the last three years, I can incur the danger of no material error in supposing that all the troops furnished by the State now belong to that class of the white male population comprised between the ages of eighteen and sixty years.

Before the operation of the conscript law Virginia had in the service—

63 regiments of infantry of about 800 men each	50,400
40 battalions of infantry of about 400 men each	16,000
20 regiments of cavalry of about 800 men each	16,000
40 battalions of cavalry of about 400 men each	16,000
125 batteries of artillery of about 100 men each	12,500
Making in all	110,900

These regiments, &c., were subsequently filled up by the operation of the conscript law as follows:

63 regiments of infantry of 1,000 men each	63,000
40 battalions of infantry of 500 men each	20,000
20 regiments of cavalry of 1,000 men each	20,000
40 battalions of cavalry of 500 men each	20,000
125 batteries of artillery of 125 men each	19,625
Making in all	142,625

This increase (31,725) was due to the operations of the conscript law, which put into the field—

1. Through the camp of instruction	5,551	
2. Without passing through the camps	26,174	
Total put into the field by conscription	31,725	
Detailed and unassigned	6,757	
Detailed in the departments	4,494	
Total put in service by conscription	42,976	
Total put into service by the State		153,876
Exempted by Medical Board	12,000	
Exempted by occupation	13,063	
Total exempted	25,063	25,063
Total disposed of by conscription	68,039	
Total disposed of by volunteering and conscription		178,939

If the principals be supposed to occupy the places of their substitutes in the field, about nine-tenths of the whole number in the service will be included between the ages of eighteen and forty-five years. In Georgia I found this to be so nearly the case that it was adopted in my calculations, and the result verified by estimates based upon other statistics and by other modes of calculation.

In South Carolina I found the number between eighteen and forty-five years of age eight hundred and ninety-five one-thousandths of the whole number, or nine-tenths, nearly, and in Mississippi I believe the same proportion will obtain. Therefore, without having the means of making this calculation for Virginia, I think it would be safe to base my estimate upon this proportion, then: The whole number of troops in the service between the ages of eighteen and sixty years being 153,876, the number between eighteen and forty-five years of age would be 138,489, and the whole number disposed of from the State between the ages of eighteen and forty-five years would be 138,489 + 25,063 (the exempted) = 163,552.

The census tables show that the whole State should furnish 221,000 between eighteen and forty-five years of age; but from this number we should deduct one-fifth for the portion of the population not accessible to the operations of the conscript law by reason of the occupation of the country by the enemy and the disloyal character of part of its population. Under these circumstances the State should have furnished 176,800 men between eighteen and forty-five years of age instead of 163,552, the number actually got into the service. There remain, therefore, 13,248 men between eighteen and forty-five years of age to be accounted for. Of this number probably three-fourths are now in the portion of Virginia where the conscript law has been partially enforced, and where it is at present impossible to operate.

By making this allowance there remain of the available men between eighteen and forty-five years of age:

Remaining between 18 and 45	3,312
Those having substitutes (not included in the exemptions)	15,000
Total	18,312

If the conscript law be extended to embrace men to fifty-five years of age, we shall have in the first place, according to census—

White males between 45 and 55 (36,465 less one-fifth)	29,172
White males between 55 and 60 (12,155 less one-fifth)	9,692

From these classes must be deducted the substitutes as follows:

From those between 45 and 55 (29,172) deduct 12,000	17,172
From those between 55 and 60 (9,692) deduct 3,000	6,692

Then, by the extension of the term to embrace persons to fifty-five, the State would furnish, between eighteen and forty-five—

Remaining in the State	3,312
Persons having substitutes	15,000
Total	18,312
Males between 45 and 55, after deducting substitutes	17,172
Males attaining the age of 18 during the year 1864	5,662
Total	41,146

The number arriving at the age of eighteen are estimated for only one-half of the population of the State. If the period be extended

to embrace males to sixty years of age, the State should furnish 41,146+6,692=47,838.

NORTH CAROLINA.

The whole number of volunteers transferred to the general service from the State of North Carolina, according to the rolls on file in the Adjutant-General's Office, is:

Volunteers (the Conscript Department has furnished)	67,736
Put into the field (to January 1, 1864)	13,221
Total in the field	80,957

According to the records in the commandant's and adjutant-general's offices the Conscript Department has—

Exempted by reason of vocation	4,602
Exempted by claim of the Governor	25,500
Exempted by examining boards	8,064
	38,166

Making a total of 119,123 white males disposed of in the State. The volunteers furnished by the State were first organized in the State service and were raised under the threat of a draft in case of failure to volunteer, and in response to three separate requisitions by the Governor. The first call brought into service the white males between eighteen and thirty-five years of age; the second call brought in another class between thirty-five and forty years of age, and the third call comprised men between forty and forty-five years of age. Thus all the men in the service from North Carolina, except those having substitutes, are included between eighteen and forty-five years of age. If in the first place the principals be supposed to occupy the places of the substitutes in the Army, the whole number disposed of by the war would come from the class of white men in the State between eighteen and forty-five years of age. This number, according to the last census, is 132,000. Deducting from this number (132,000) the number disposed of by the war (119,123), and there remains 12,877 white men between the ages of eighteen and forty-five years to be accounted for. Of this last number (12,877) about one-fourth have fled beyond the reach of conscript officers, or remain occupying that portion of the country where the law has been for some time inoperative. Making this allowance, there remain 9,658 men between eighteen and forty-five years to be accounted for.

The adjutant-general of the State, in a communication to the commandant of conscripts (dated October 29, 1863), reports that when the conscript law was first enforced a number of companies were received into the service made up entirely of persons subject to conscription and of whom no record has been left. The number of these, together with those who to avoid conscription have joined the old regiments of North Carolina, I have estimated at 7,500, which will leave 2,158 men of this class still subject to the law.

What the State has furnished for the war may be summed up as follows:

Volunteers	67,736
Conscripts, through camps	13,221
Other conscripts	7,500
In Confederate service	88,457

The adjutant-general of the State has estimated that the State has put into service 100,000 men, but his calculations contain an apparent error, in which he has accounted for 14,000 men twice. His estimate should therefore be really less than mine.

While North Carolina, with a larger white population than Georgia, has put less into the service than that State, yet there has been actually a greater number in the former State which have been brought from their homes to the call of the country. This disproportion between the number put into the field and the exempted is partly owing to the occupation of a portion of the State by the enemy and the fact that the exemption list is much swollen by the requisitions made by the Governor of the State.

If the conscription be extended to embrace the white males between forty-five and fifty-five years of age the State should furnish—

Between 18 and 45 years of age:	
Remaining subject to the law	2,158
Having substitutes	2,040
Attaining the age of 18 years	4,560
Total	8,758

According to the census the State should furnish—

Between 45 and 55 (21,226, less one-fourth, 5,306)	15,920
Between 55 and 60 (7,022, less one-fourth, 1,755)	5,267

The one-fourth is deducted above for the loss of territory incident to the war.

From this class the substitutes must be deducted, as follows:

From those between 45 and 55 (15,920) take 1,632	14,288
From those between 55 and 60 (5,267) take 408	4,859

The number to be furnished in the call to fifty-five years of age:

Between 18 and 45 years, left in the State	8,758
Between 45 and 55 years	14,288
Total	23,046

SOUTH CAROLINA.

The number of troops from South Carolina furnished by the records in the adjutant-general's office and the office of conscription show that there were, to November, 1863—

Volunteers	41,873
Conscripts	4,301
Total in service	46,174

A census was taken in the same month of all white males between the ages of sixteen and sixty years, showing the following result:

Between 16 and 18 years of age	3,817
Between 18 and 45 years of age	7,914
Between 45 and 55 years of age	6,140
Between 55 and 60 years of age	2,462
Total	20,333

From calculations made from the census of 1860 South Carolina should furnish (irrespective of the effects of the war upon the population) 80,460 white males between sixteen and sixty years of age,

showing that the State has furnished 60,127 troops, which number is thus accounted for:

Volunteers	41,873
Conscripts passed through camps	4,301
Without passing through camps	13,953
Total	60,127

A large part of this number (13,953) will be found to have volunteered in North Carolina regiments, having been drawn into that State by the inducements of a double bounty, which was at one time offered to volunteers. Another portion of these will be found in regiments organized by the order of General Beauregard for State defense from the white men between forty and forty-five years of age prior to the call for conscripts to this age, and in the volunteer regiments first organized.

In the event of the term of conscription being extended to persons of fifty-five years of age, the State should furnish—

Between 18 and 45 years of age:	
Remaining in the State after deducting 5,814 exemptions (already granted)	2,100
Having substitutes	791
Attaining the age of 18 years	1,950
Total	4,841
Between 45 and 55 years of age	6,140
Total	10,981

GEORGIA.

According to calculations made from the census tables Georgia should be able to furnish (irrespective of the draft made upon her by the war) 139,548 men between the ages of sixteen and sixty years; but, according to the census taken in November last, there were 31,616, including the exempts from conscription. (See former report.)

Of this number there are—

Between 16 and 18 years of age	9,680
Between 18 and 45:	
Subject to conscription	2,295
Exempts	11,273
Between 45 and 60	8,368
Total	31,616

This deficiency in the class between forty-five and sixty is supposed to be due to the number of substitutes in the Army. According to the census the State should furnish 21,930, showing a deficiency in this class of 13,562, accounted for as follows:

In State organizations	4,300
Enlisted in volunteer commands (approximately)	2,212
Men who have substituted	7,050
Total	13,562

If the term of conscription be extended to fifty-five years of age, Georgia should furnish—

Between 18 and 45:	
Remaining in the State	2,295
Having substitutes	7,050
Attaining 18 years of age	4,090
Between 45 and 55 (about)	4,000
Total	17,435

ALABAMA.

For reasons stated in the first part of my report I could obtain no reliable numbers indicating the result of the operations of the conscript law in Alabama. In the State department there are rolls of all the men in the State between the ages of sixteen and sixty years, classified according to age. General Watson, the adjutant-general of militia, refused me access to the rolls, saying that "he intended making a report from the rolls to the Governor of the State, who could do as he pleased with it." A polite letter addressed to General Watson by me, urging important reasons for wishing to examine the rolls, received no reply. The Governor informed me, however, that the rolls exhibited the names of about 38,000 men, and that five counties had not reported. My estimate for these counties would be about 2,500 men, making the whole number between these ages (sixteen and sixty) 40,500. I was also informed by the Governor of the State that the rolls contained 12,000 names of white males between seventeen and forty-five years of age; then, allowing an average for the counties not reported, there would be about 13,000 between the ages of seventeen and forty-five years, of which (about) 4,000 are between seventeen and eighteen years of age. This would leave (about) 9,000 in the State between eighteen and forty-five years of age. Of this 9,000 there must be 8,000 (about) exempted, leaving about 1,000 still subject to conscription.

Then, of the number found to be in the State (40,500) must be deducted the number between sixteen and seventeen years of age (4,600) and the number between seventeen and forty-five years of age (13,000), making a total between sixteen and forty-five years of age of 17,600, which would leave 22,900 between forty-five and sixty years of age. Of this last number about 6,900 are between fifty-five and sixty and 16,000 between forty-five and fifty-five years of age.

Should the term of conscription be extended to fifty-five years of age the State would furnish—

Between 18 and 45 years of age:	
Remaining at home	1,000
Attaining the age of 18 (approximate)	4,000
Between 45 and 55 years of age	16,000
Total	21,000

As it was impossible to obtain an estimate of the number of men who have put in substitutes, they are not included in the above separately, but are probably all included in the 16,000.

MISSISSIPPI.

Some of the State papers of Mississippi, which might have furnished me data for estimating the number of troops in the field, were destroyed by fire in Jackson. The only evidence of the number of troops which Mississippi has furnished for the war is given in the report of the Board of Police to the auditor of the State. An act of the Legislature required the Board of each district to furnish the auditor with the rolls of every man who had entered the service since the beginning of the war. As far as these rolls go, they show an aggregate of 64,982 men. Some of the counties had not completed the rolls, but I estimated that the result will show about 66,982 men.

If we consider them all to have come from the class of men between sixteen and sixty years of age there will remain, after deducting this number from 92,016, what the State should furnish between sixteen

and sixty years of age, according to calculation from the census tables—36,034 between the ages of sixteen and sixty left in the State

Of the number put into the Army about 60,284 are between the ages of eighteen and forty-five. The State should furnish from this class, according to calculation from the census, 71,000 men. There must be, then, 11,716 men between the ages of eighteen and forty-five years to be accounted for. General Pillow's organization exempted about 269 men, and the old organization exempted 7,993, leaving about 3,453 between the ages of eighteen and forty-five years still subject to conscription.

The census table shows that the State should furnish in time of peace, at this time, about 10,224 between forty-five and fifty-five years of age, from which must be deducted about 4,000 for volunteers in the field, leaving about 6,224 available men between these ages.

In the event of an extension of the age of conscription to fifty-five years the State should furnish then—

Between 18 and 45 years of age:	
Subject to conscription	3,453
Attaining 18 years of age	3,080
Between 45 and 55 years of age	6,224
Total	12,757

The number of men who have substitutes is not known, but about three-fourths of them are embraced in the number between forty-five and fifty-five years of age.

In the foregoing estimates no allowance has been made for the exemptions that may hereafter be granted, as this number will of course depend upon the modification the law may undergo during the present session of Congress.

E. D. BLAKE,
Lieut. Col., C. S. Army, Superintendent Special Registration.

[Sub-inclosure.]

Tabular statement of all men disposed of from the different States, and the present military condition of the different States January, 1864.

(Number of men left in the different States, after making all deductions, subject to disposal, those from 45 to 55 years of age being included for the year 1864.)

State.	Total of all men disposed of from the different States, by volunteers and the conscription.					
	Total of all men sent to the field put into service.					
	Conscripts.				Volunteers.	Total of volunteers and conscripts.
	Put into the field.	Forced into service by the conscription.	Detailed.	Total of conscripts.		
Virginia	5,551	26,174	11,251	42,976	110,900	153,876
North Carolina	13,221	7,500	.....	20,721	67,736	88,457
South Carolina	4,301	13,953	.....	18,254	41,873	60,127
Georgia	.....	27,892	3,265	31,157	75,000	106,157
Alabama	.....	.....	.....	.....	.....	90,857
Mississippi	.....	.....	.....	.....	.....	66,982
Grand total	.....	.....	.....	.....	.....	566,456

Tabular statement of all men disposed of from the different States, &c.—Cont'd.

State.	Total of all men disposed of from the different States, by volunteers and the conscription.						
	Less one-tenth for men over 45 years of age.	Total of volunteers and conscripts between 18 and 45 years.	Exempted and disposed of.				
			Exempts.			Total disposed of between 18 and 45.	Total of all men disposed of.
			By medical examining board.	By occupation.	Total of exempts.		
Virginia	15,387	138,489	12,000	13,063	25,063	163,552	178,939
North Carolina		88,457	8,064	30,102	38,166	126,623	126,623
South Carolina	6,012	54,115			5,814	59,929	65,941
Georgia					11,273		117,430
Alabama					8,000		98,857
Mississippi		60,284			8,262		75,244
Grand total					96,578		663,034

State.	Census statistics.			Number of men between 18 and 45 years of age accounted for.	Number of men between 18 and 45 years of age unaccounted for.	Subject to call for 1864.				
	Number of white males between 18 and 45 called for by U. S. census for 1860.	Less number to be deducted owing to the disloyalty of portions of the States.	Number of white males between 18 and 45 from which troops can be drawn.			Numbers between 18 and 45 years of age to be disposed of.	Number of boys arriving at 18 years of age during 1864.	Number of men at large through substitute papers.	Number left between 45 and 55 after deducting those who have substituted.	Number of men, after making all deductions, left for disposal.
Virginia	221,000	44,200	176,800	163,552	13,248	3,312	5,662	15,000	17,172	41,146
North Carolina	132,000		132,000	126,623	12,877	2,158	4,560	2,040	14,288	23,046
South Carolina	60,000		60,000	59,929	2,891	2,100	1,950	791	6,140	10,981
Georgia	109,000		109,000		13,562	2,212	4,090	7,050	4,000	17,435
Alabama	106,000				16,000	1,000	4,000		16,000	21,000
Mississippi	71,000				11,716	3,453	3,080		6,224	12,757
Grand total										126,365

Estimated tabular statement of the percentage of the white population furnished the general service.

State.	Number in service.	Population in 1860.	Per cent.	Remarks.
Virginia	153,876	1,105,136	10.3	About two-fifths of the population was inaccessible in 1862 and 1863.
North Carolina	88,457	661,586	13.3	About one-fourth of the population was inaccessible in 1863.
South Carolina	60,127	301,271	19.9	
Georgia	106,157	595,097	17.0	
Alabama	90,857	529,164	17.0	
Mississippi	66,982	354,099	10.4	About three counties inaccessible to the law.
Total	566,456	3,546,353	16.0	

[FEBRUARY 9, 1864.—For Vance to Davis, in relation to affairs in the State of North Carolina (suspension of the writ of habeas corpus, disaffection of the people) &c., and Davis' reply (29th), see Series I, Vol. LI, Part II, pp. 818, 824.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 10, 1864.

Hon. W. P. MILES,
Chairman Military Committee, House of Representatives:

SIR: As the session approaches its close, will you pardon me for asking the special attention of yourself and the Committee on Military Affairs to the recommendation in my report of further legislation to authorize the appointment of quartermasters and commissaries to divisions, corps, and armies in the field? The necessity of these officers has been felt by generals commanding to be so imperative that it has led to the detail of officers of a lower grade from their appropriate commands, and has been the cause of confusion and irregularity which the Department from like conviction of the necessity of the case has been unable appropriately to prevent and correct. I trust the importance of authorizing such appointments will be recognized and appreciated by Congress, and that the regularity and efficiency of the service may be attained with the requisite complement of officers with appropriate rank selected for the position, and not as now be imperfectly selected by temporary or irregular detail.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 19. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 10, 1864.

The following address of the President is published for the information of the Army:

SOLDIERS OF THE ARMIES OF THE CONFEDERATE STATES:

In the long and bloody war in which your country is engaged you have achieved many noble triumphs. You have won glorious victories over vastly more numerous hosts. You have cheerfully borne privations and toil to which you were unused. You have readily submitted to restraints upon your individual will that the citizen might better perform his duty to the state as a soldier. To all these you have lately added another triumph—the noblest of human conquests—a victory over yourselves.

As the time drew near when you who first entered the service might well have been expected to claim relief from your arduous labors and restoration to the endearments of home you have heeded only the call of your suffering country. Again you come to tender your service for the public defense—a free offering, which only such patriotism as yours could make—a triumph worthy of you and of the cause to which you are devoted.

I would in vain attempt adequately to express the emotions with which I received the testimonials of confidence and regard which you have recently addressed to me. To some of those first received separate acknowledgments were returned. But it is now apparent that a like generous enthusiasm pervades the whole Army, and that the only exception to such magnanimous tender will be of those who, having originally entered for the war, cannot display anew their zeal in the public service. It is, therefore, deemed appropriate, and, it is hoped, will be equally acceptable, to make a general acknowledgment, instead of successive special responses. Would that it were possible to render my thanks to you in person, and in the name of our common country as well as in my own while pressing the hand of each war-worn veteran to recognize his title to our love, gratitude, and admiration.

Soldiers! By your will (for you and the people are but one) I have been placed in a position which debars me from sharing your dangers, your sufferings, and your privations in the field. With pride and affection my heart has accompanied you in every march; with solicitude it has sought to minister to your every want; with exultation it has marked your every heroic achievement. Yet never, in the toilsome march, nor in the weary watch, nor in the desperate assault, have you rendered a service so decisive in results as in this last display of the highest qualities of devotion and self-sacrifice which can adorn the character of the warrior patriot.

Already the pulse of the whole people beats in unison with yours. Already they compare your spontaneous and unanimous offer of your lives for the defense of your country with the halting and reluctant service of the mercenaries who are purchased by the enemy at the price of higher bounties than have hitherto been known in war. Animated by this contrast, they exhibit cheerful confidence and more resolute bearing. Even the murmurs of the weak and timid, who shrink from the trials which make stronger and firmer your noble natures, are shamed into silence by the spectacle which you present. Your brave battle-cry will ring loud and clear through the land of the enemy as well as our own; will silence the vainglorious boastings of their corrupt partisans and their pensioned press, and will do justice to the calumny by which they seek to persuade a deluded people that you are ready to purchase dishonorable safety by degrading submission.

Soldiers! The coming spring campaign will open under auspices well calculated to sustain your hopes. Your resolution needed nothing to fortify it. With ranks replenished under the influence of your example and by the aid of your representatives, who give earnest of their purpose to add, by legislation, largely to your strength, you may welcome the invader with a confidence justified by the memory of past victories. On the other hand, debt, taxation, repetition of heavy drafts, dissensions, occasioned by the strife for power, by the pursuit of the spoils of office, by the thirst for the plunder of the public Treasury, and, above all, the consciousness of a bad cause, must tell with fearful force upon the overstrained energies of the enemy. His campaign in 1864 must, from the exhaustion of his resources both in men and money, be far less formidable than those of the last two years, when unimpaired means were used with boundless prodigality and with results which are suggested by the mention of the glorious names of Shiloh and Perryville, and Murfreesborough and Chickamauga, and the Chickahominy and Manassas, and Fredericksburg and Chancellorsville.

Soldiers! Assured success awaits us in our holy struggle for liberty and independence, and for the preservation of all that renders life desirable to honorable men. When that success shall be reached, to you—your country's hope and pride—under Divine Providence, will it be due. The fruits of that success will not be reaped by you alone, but your children and your children's children, in long generations to come, will enjoy blessings derived from you that will preserve your memory ever living in their hearts.

Citizen-defenders of the homes, the liberties, and the altars of the Confederacy! That the God whom we all humbly worship may shield you with his Fatherly care, and preserve you for safe return to the peaceful enjoyment of your friends and the association of those you most love is the earnest prayer of your Commander-in-Chief.

JEFFERSON DAVIS.

RICHMOND, *February 9, 1864.*

By order:

S. COOPER,
Adjutant and Inspector General.

HOUSE OF REPRESENTATIVES,
February 10, 1864.

Hon. J. A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: We beg leave most respectfully to call your attention to the inclosed letter from Hon. William Ezzard, of Georgia, upon a subject of great importance to our people. The evil complained of by him is a serious one, and in behalf of soldiers' families and the indigent poor

of our State we appeal to you to have this matter inquired into and the proper remedy applied. Judge Ezzard is a gentleman of high character and his statements are entitled to respect. With your reply please return Judge Ezzard's letter.

Very respectfully, your obedient servants,

LUCIUS J. GARTRELL.
JULIAN HARTRIDGE.
W. W. CLARK.
DAV. W. LEWIS.
HARDY STRICKLAND.
B. H. HILL.
HERSCHEL V. JOHNSON.
PORTER INGRAM.

[Inclosure.]

ATLANTA, *February 5, 1864.*

Hon. L. J. GARTRELL:

DEAR SIR: I have been thinking for some time of writing to you on a subject which I deem one of importance. It is this: Major Cummings, the commissary-general, is making contracts with men all over the country to distill the tithe corn belonging to the Government for the purpose, as it is alleged, of making whisky for the Army. He agrees to furnish corn to distillers who are to make it up into whisky and pay or deliver to him one gallon for each bushel of corn, and the distiller is to have all he makes over the one gallon (or five quarts in some cases) for himself. This is holding out great inducements to distillers, and is a very money-making business. They can, therefore, afford to distill all the corn they can get. I think it wrong that the Government should take the corn which is needed to feed women and children to make whisky of when the wives and children of soldiers in many cases cannot get bread to eat. There is a great scarcity of corn in the country—in fact, it is impossible to get it here for less than $8 or $10 per bushel, and meal has been as high as $15, and it seems that it is almost impossible to prevent the poor from starving. I think it is therefore important that this thing of distilling the Government corn in this section of the State should be stopped. If it is necessary to make whisky for the Army let it be made in that section of the State where corn is plenty, and if the Army does not need the Government corn here let it be applied to the feeding of the soldiers' wives and children. The State of Georgia would be willing to take the corn and pay a fair price for it and apply it in this way, or the counties would be glad to do it and save the expense of transporting corn from Southwestern Georgia to feed the poor and destitute. I hope you will do something on this subject, if possible, before Congress adjourns. I know the time is short, and I regret that I did not write you sooner, but I hope it is not too late to do something, and I know that there is nothing that would be of greater advantage to the poor of this section of the State. Nothing new here.

Yours, respectfully,

WILLIAM EZZARD.

[First indorsement.]

COMMISSARY-GENERAL:

Have you these contracts or the Surgeon-General? If you, report.

J. A. S.,
Secretary.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, Va., February 19, 1864.

Respectfully returned to Honorable Secretary of War, and his attention is called to the inclosed report from Major Cummings.*

T. G. WILLIAMS,
Lieutenant-Colonel and Commissary of Subsistence.

(Per Commissary-General of Subsistence, absent, sick.)

[Third indorsement.]

The whisky must be distilled somewhere, and nowhere can corn be found more abundantly.

J. A. S.,
Secretary.

RICHMOND, VA., *February 11, 1864.*

THE HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

Having carefully considered the act entitled "An act to provide for wounded and disabled officers, soldiers, and seamen an asylum to be called the 'Veteran Soldiers' Home,'" I feel constrained to return it with my objections to the House of Representatives, in which it originated. The object of the act appeals most strongly to the sympathies of all; but in providing the means for effectuating that object, it enacts provisions which, in my judgment, are unwarranted by the Constitution. Without affirming that the act creates a perfect corporation, there can be no doubt that it confers upon the board of managers of the institution which it is intended to found corporate powers and franchises of a well-defined character, which constitute them what is known as a quasi corporation. They are to organize themselves into a board, by the election of a president, treasurer, and their necessary officers; are to continue in office until their successors are appointed, thus providing for a continual succession; and they are to be subject to the general approval and direction of the Secretary of War, thus constituting the Secretary a visitor, a usual incident of eleemosynary corporations. They have powers to make by-laws, or as the act expresses it, the "power to make all requisite rules and regulations" for the government of the institution; and they are authorized to receive endowments from individuals and from the States. These are all ordinary and well-known corporate franchises. But if any doubt could exist as to whether they are granted to the board as a corporation, or quasi corporation, or only intrusted to them as individual trustees, that doubt is removed by the second section of the act. That section provides that the treasurer shall give bond with security for the faithful discharge of his duties, which bond shall be payable to the said board of managers and their successors in office, and may by them be put in suit in any State or Confederate court having jurisdiction. It cannot be understood that this bond is to be taken to and sued upon by the board of managers in their individual capacities as natural persons. This is evident from two considerations:

First. Such a power would be supererogatory and useless, since as natural persons they already had by the common law ample right to

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* See p. 115.

make any contract and take any bond or other security not contravening the policy of the law.

Second. The right of action on a bond payable to the managers as individuals would, in the courts of law, remain in and be under the control of the managers after they had gone out of office; and in case of the death of all of them would belong to the personal representative of the last survivor; and to prevent these inconveniences it is expressly provided that the bond should be payable to and be sued on by "the board of managers and their successors in office," which could only be accomplished by constituting them to that extent a corporation.

From these considerations it is apparent that the intent of the act is to confer corporate powers upon the board of managers; and that intent is, in my judgment, beyond the powers intrusted to Congress by the Constitution. However enlightened opinions may have differed under the old Government, the whole history and theory of the contest in which we are engaged and the express recognition in our Constitution of the sovereignty of the States precludes all idea of so widely extending by construction the field of implied powers. That there is no such power expressly granted need scarcely be remarked.

But if this view of the intent and operation of the act be discarded as incorrect, then it can be susceptible of but one other interpretation. It provides for the support and comfort of soldiers and seamen disabled in the public service—a class in all countries regarded as the peculiar objects of governmental benevolence. The institution which it founds is endowed, in part at least, from the funds of the Government. The real estate necessary for the purpose of this act is to be leased or purchased by the Secretary of War, under the approval of the President, as the property of the Government. Officers in the service and pay of the Government are to be assigned for duty at the asylum. Its whole management is to be subject to the general direction and control of a high officer of the Government—the Secretary of War; and the board of managers are required to report to the Secretary, to be communicated to Congress at every regular session, a statement of the condition of the institution. It is then a Government institution, and its officers are officers of the Confederate States; but they are not to be appointed in any of the ways by which alone such appointments can be constitutionally made—neither by the President, with the advice and consent of the Senate, nor by the President alone, nor by the courts of law, nor by the head of a department. The managers are to be appointed by the Governors of the several States, and they in turn are to appoint their president and treasurer and fix their salaries.

These two are, in my judgment, the only interpretations of which the act is susceptible; and under either view its provisions are violative of the Constitution.

JEFFERSON DAVIS.

[Inclosure.]

A BILL to be entitled an act to provide for disabled officers and soldiers an asylum to be called "The Veteran Soldiers' Home."

SECTION 1. *The Congress of the Confederate States of America do enact*, That in order to make a just and adequate provision for the maintenance and comfort of officers and soldiers or seamen who have

been or may be disabled by wounds received or disease contracted in the military or naval service of the Confederate States during the pending war the sum of ——— dollars be, and the same is hereby, appropriated, to be expended, or so much thereof as may be necessary, by the Secretary of War, under the approval and direction of the President, in the lease or purchase of some safe and suitable location for an asylum to be called "The Veteran Soldiers' Home," and for the erection and furnishing of such buildings and fixtures as the probable number of inmates may render necessary; and in order that the several Confederate States and the citizens thereof may have the opportunity of becoming identified with this philanthropic and patriotic enterprise, and of participating in the pleasing and grateful duty of contributing to the relief of those who have periled all, and have been disabled in the service of their country, it shall be the duty of the Secretary of War, immediately after the passage of this act, to invite the aid and co-operation of said States, through the respective Governors thereof, and to request the appointment of one person on behalf of each State as a manager of the institution hereby established; and the several persons so appointed shall, as soon as practicable, assemble at some time to be designated by the Secretary of War, and organize themselves into a board of managers by the election of a president and other necessary officers, with such compensation as the board may deem adequate, and a majority of the persons composing said board shall constitute a quorum for the transaction of business. They shall continue in office for the period of two years from the date of their appointment, and until their successors are in like manner appointed, and subject to the general approval and direction of the Secretary of War. They shall have the management and control of said institution and the power to make all requisite rules and regulations therefor, including the appointment of stewards and nurses, the organizing a police force, and other necessary arrangements. Upon their recommendation and application the proper authorities shall appoint or assign for duty at said institution a commissary, who shall provide needful supplies for the same on Government account, and such surgeons and assistant surgeons in the pay of the Government as the wants of the institution may require or as may be necessary for the skillful and successful management of an infirmary, which the board may establish as a part of the institution for the benefit of all those invalids, soldiers or seamen, who may need the repose and treatment furnished therein, together with all other persons of said classes whose wounds, from hasty field operations, require further surgical attention; and the Surgeon-General shall be authorized to appoint the most skillful surgeons to discharge the duties of said infirmary. They shall adopt such measures as they may deem best for obtaining contributions from individuals desiring to aid the enterprise, and shall preserve a registry, which shall be kept open to public inspection, of the names of such contributors and the amount contributed by each, and also all donations received from the several State governments.

SEC. 2. The funds of the institution shall be placed in the hands of a treasurer to be elected by the board, who, before assuming the duties of his office, shall enter into a bond and security for the faithful performance thereof, which bond shall be approved by the board of managers and made payable to said board and their successors in office, and may by them, for any infraction of the same, be put in suit in any State or Confederate court having jurisdiction of the

amount. The said funds, subject to the general approval of the Secretary of War, as aforesaid, shall be expended by the board of managers in the erection of such buildings, fixtures, and appurtenances as may be necessary, and in providing for such agricultural, horticultural, mechanical, or other employment or pursuit, as the wants of the institution or the comfort and recreation of the inmates may suggest. The said board shall, before the assembling of each regular session of Congress, submit a report of the condition and state of affairs of the institution to the Secretary of War, which it shall be his duty to communicate to Congress.

SEC. 3. The beneficiaries of said institution, who shall be entitled to become inmates of the same, shall be all commissioned and noncommissioned officers, musicians, and private soldiers and seamen who have been, or who hereafter may be, retired or discharged by reason of wounds or injuries received or disease contracted in the military or naval service of the Confederate States in the line of their duty during the pending war; and any person claiming the benefit of this act shall present his application in the manner prescribed by the board of managers, and shall, if admitted, be subject to all the rules and regulations of the institution so long as he remains an inmate thereof. He shall, at the time of his admittance, deposit with such person as may be designated by the board of managers all certificates and other papers relating to his discharge from the service, and entitling him to future pay or compensation from the Government as a retired or discharged officer, soldier, or seaman, which said pay or compensation shall, during the time of his continuance in the institution, be paid by the disbursing officer making such payments to the treasurer of the institution, and shall constitute a part of the general fund of the same, except so much thereof as the board of managers may direct to be paid, from time to time, to the person in whose right it is received.

SEC. 4. Any beneficiary of said institution may discontinue his connection therewith at his option, and upon withdrawing from the same shall be entitled to withdraw, also, all certificates and other papers deposited by him at the time of his admittance, and shall be remitted to all the rights and benefits secured thereby.

AN ACT to authorize the issue of certificates for interest on the "fifteen million loan."

The Congress of the Confederate States of America do enact, That the Secretary of the Treasury be, and he is hereby, authorized to cause certificates to be issued, in such form as he shall devise, for the interest which has accrued, or which shall accrue, on the registered stock issued under authority of the act of February the twenty-eighth, eighteen hundred and sixty-one, entitled, "An act to raise money for the support of the Government, and to provide for the defense of the Confederate States of America." The said certificates shall be prepared and signed by the Register of the Treasury, in favor of the persons, respectively, in whose names the said stock shall be standing on the books of the Treasury, or their order, at the designated periods, and shall be sent by him to the Treasurer, assistant treasurers and depositaries located at the places where said interest is payable. The said certificates shall be countersigned by the Treasurer, assistant treasurer, or depositary, by whom they shall be delivered; and shall be receivable in payment of export duty on cotton, in the same manner

as the coupons of the bonds issued under said act of February twenty-eight, eighteen hundred and sixty-one, now are.

Approved February 11, 1864.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 11, 1864.

His Excellency JOHN MILTON,
Governor of Florida, Tallahassee:

SIR: I have the honor to acknowledge the receipt of your communications of the 11th and 26th January last. They have not been answered sooner, partly in consequence of the necessity from their subjects of reference to different bureaus of this Department for consideration and report, and partly in consequence of even an unusual pressure of important business, some of it of an urgent nature, in attending to which it must sometimes happen that matters, though of more intrinsic importance, yet not seeming to demand such immediate action, will be apparently unduly delayed. The high respect for and appreciation of yourself personally and the gallant and patriotic State you so worthily represent makes me regret the more that you in this instance happened to be subjected to an apparent neglect, only seeming, however, and certainly unintentional. A report from the Ordnance Bureau was received some days ago on the subject referred to it, and until the receipt of your telegram of yesterday I was under the impression that the Bureau had communicated directly with you. Orders were issued on the 1st instant to Major Humphreys, at Columbus, Ga., to furnish the cavalry equipments for Major Scott's battalion, and to the Richmond and Macon arsenals to furnish to that command all the musketoons on hand, amounting to some 300 or more. You were informed on yesterday by telegraph that the arms you applied for could be obtained from Major Humphreys. The settled policy of this Department is against the employment of men fit for field service in other capacities. No chief of a bureau, much less subordinate agents, has the right to exempt from such service men liable to conscription by employing them, except on detail made by this Department specially, which is done reluctantly, and only when indispensably required by the public interests. Orders have been issued for the due investigation of the conduct of purchasing and impressing agents in your State, in regard to the subjects mentioned in your communication, with instructions to make the proper correction of existing causes of complaint and to prevent their recurrence. So much of your communications as related to the propriety of allowing a purchase of the corn received under the tax in kind for the use of the families of soldiers was referred to Col. Larkin Smith, in charge of that subject. His reply, a copy of which is inclosed,* will, I think, be found satisfactory and fully meet your views. I had directed this to be directly communicated to you. I regret that circumstances render it inexpedient to send Perry's brigade to Florida to recruit its diminished ranks as desired by the officers and yourself. The movements of the enemy in the south and west, threatened for some time past, and now in progress, have interposed objections to any exchanges of troops that could be avoided. The reluctance felt by General Lee to part with that gallant brigade, whose courage and conduct have

*See p. 18.

been so often signally displayed under his command, is a tribute well deserved by them, and should soften the disappointment they naturally feel. It is hoped that the mode proposed by him to replenish their ranks will relieve them from all apprehensions of the consolidation of regiments, and will enable them with restored numbers to raise still higher the pride their native State must feel in their achievements.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

AN ACT to authorize the Governor to call into the State service free persons of color.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened*, That the Governor of this State be, and he is hereby, authorized to call into the service of the State all free men of color, resident in this State, between the ages of sixteen and fifty-five, not physically and mentally disabled, and to place them in such branches of the service as he may deem compatible with their civil status.

SEC. 2. *Be it further enacted, &c.*, That to effect this the Governor be authorized to adopt whatever system of enrollment he may deem most expedient.

SEC. 3. *Be it further enacted, &c.*, That when said free persons of color shall have been called into the service they shall be subjected to the same rules and regulations and shall receive the same compensation as other persons in the same branches of the service.

SEC. 4. *Be it further enacted, &c.*, That the Governor be, and he is hereby, authorized to transfer said persons of color to the Confederate Government whenever the enrollment of said persons shall have been completed: *Provided*, Said persons of color shall be exempt from said service by putting an able-bodied slave in his place.

SEC. 5. *Be it further enacted, &c.*, That this act shall take effect from and after its passage.

Approved February 11, 1864.

GENERAL ORDERS, No. 20. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 12, 1864.*

The first paragraph of General Orders, No. 138, 1863, is modified by the omission of the words "in States in which provisions have not been made on this subject" (impressment of slaves); and clause 7 of the same order is so far modified as to allow the rate of compensation for slaves impressed under the act of 26th of March, 1863, to be established by appraisers appointed under that act; provided the price thus fixed does not exceed the sum prescribed by the law of the State in which such slaves are impressed.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 12, 1864.

Maj. Gen. HOWELL COBB,
Atlanta, Ga.:

GENERAL: Your letter of the 4th instant has been received.

I am much gratified to hear such encouraging accounts both in relation to supplies and to the reserves of population. Surely they will not be held back in a struggle for all that is dear to a people.

I have regretted much to differ from you on the subject of re-enlisting and recruiting our armies. Such was my confidence in your judgment that I submitted your telegrams and letter to the President, telling him frankly your convictions made me distrust my own. He concluded to adhere to the system which the law contemplated. You have always relied rather more than myself on the spontaneous action of the people and favored the voluntary organizations. I confess I think the time for great results from such means has passed, and that the authority of law and the agencies of a general well-adjusted system of uniform operation the best means. Especially in regard to our Army do I deem a fixed and veteran organization of disciplined troops indispensable. We must keep up and even increase the veteran corps. New organizations, however spirited, cannot contend with men practiced and trained in arms. We have the better material of fighting men; but we must secure them equal advantage of training and discipline to maintain superiority. Hence, I earnestly strive to throw the new recruits into the old organizations.

It needed not your assurance to convince that you would acquiesce in the decision of the highest authority and give all your aid to carry it into effect. Your patriotism and good sense were guarantees for that to all who know and appreciate you as I do.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 12, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

In the pressure of business I have postponed for several days a reply to your last letter, suggesting that difficulties in relation to the steamers Don and Hansa might be solved by the Government acquiring one-fourth interest in these steamers. It has been our policy not to acquire less than a controlling interest heretofore in any contracts made. The recent legislation confirms me in this view. I am willing to place the State on the same footing with the Confederate Government in the shipments that have been made; that is, to credit to the owners the quantity taken out for the State, just as if it had been taken for the Confederate States. The Don and Hansa have taken one-fourth for your State; the agent at Bermuda and Nassau the difference between one-fourth and one-third, which the vessels would have been compelled to take if they had continued to run under arrangements with the Confederate Government. For the future it will be necessary to make the terms upon which cotton is taken out for the States and for the Confederate Government uniform, or the result will be a competition ruinous to each.

Upon application from the authorities of the State of South Carolina for the steamer Alice, and of the State of Virginia for the steamer City of Petersburg, I have at once directed the agent that cotton taken out by these steamers, for account of the States named, on the same terms as fixed for the Confederate Government, will be considered as if taken for the Confederate Government and credited accordingly. This arrangement has been satisfactory here and to Governor Bonham, and I earnestly hope will be so to you.

Congress has just legislated on the subject, authorizing shipment by private individuals only under license granted by the Confederate Government, reserving to the States the right to ship out on their steamers their own cotton. Uniform regulations will be drawn up as required by this law, and it shall be my effort to make them such as to facilitate the efforts of the State and Confederate governments in exporting cotton and introducing supplies and munitions of war.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *February 13, 1864.*

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

I feel impelled by the condition of the country earnestly to recommend to your adoption the extension of the conscription already recommended in my annual message of the 7th of December last, and to inform you that the preparations made by the enemy for the campaign of the present year warn us that our armies in the field must be re-enforced to the utmost possible extent.

The agricultural interests of the country must be protected and fostered or we shall be unable to raise the supplies necessary for the subsistence of the Army as well as of the people at home. How is this to be done?

There is no possibility of affording adequate local protection by our armies in the field, which must of necessity be kept concentrated to resist the main columns of the invading forces of the enemy. Our farms and depots can only be protected from destructive raids by the men who remain at home engaged in manufactural, agricultural, and other pursuits. There are but two modes of rendering these classes available for such purposes. One is by calling them out as militia; the other by enrolling them under Confederate authority. I propose in a few words to contrast these modes.

If those left at home are available only as militia, it will become necessary to make requisitions for them on the States in advance of any pressing necessity for their services, because of the delays which are always involved in obtaining forces under such calls. When called out it will naturally result that the men will be retained for long periods in the field or in camp, to be ready for emergencies, as they could not, if discharged, be promptly recalled when required. This method of using the reserves will tell with disastrous effect on our agriculture.

On the other hand, troops for local defense and special service, as organized under the act of 21st of August, 1861, would afford the commander-in-chief the means of calling out the men embraced in such organizations at a moment's warning, and enable him, without

imprudence, to dismiss them the moment the danger had disappeared. They would probably not be absent from the fields and workshops more than two or three weeks at a time, and there would thus be no serious interruption of the productive industry of the country. If the spirit which rendered the volunteering so general among all classes of citizens at the beginning of the war were still prevalent, there would be no necessity for the proposed legislation, as the citizens would readily join the organizations provided in the law above mentioned. But as this is not the case, it is necessary that conscription for local defense should replace volunteering.

If Congress should decline to adopt this measure, which my sense of what is needed for the public defense forces me again to urge upon its attention, I am unable to perceive from what source we are to obtain the men necessary not only to repel raids but to relieve the large number of able-bodied soldiers now detailed from the Army for local service in the States.

I trust that my conviction of the pressing necessity for this legislation in aid of the public defense will be received by Congress as a sufficient justification for this renewal of the recommendation contained in the message addressed to you at the commencement of the present session.

JEFFERSON DAVIS.

OFFICE OF CHIEF DISTRICT COMMISSARY,
Atlanta, Ga., February 13, 1864.

Col. L. B. NORTHROP,
Commissary-General of Subsistence, Richmond, Va.:

COLONEL: I beg leave to inclose copies of a dispatch from Major French yesterday and my reply. In this connection I inclose the correspondence between Governor Brown and myself, embracing my letters of January 18 and February 1, and his replies of January 28 and February 6, and my rejoinder of February 12. Upon these premises I propose to give you a succinct statement of the facts in the case. Some three months since Mr. R. P. Glenn, of the firm of Glenn, Carr & Wright, visited Richmond and proposed to distill whisky for this department, giving one gallon of whisky for every bushel of corn turned over to them. This agreement met with your approval and was entered into by me. I regarded it as the best that could possibly be made for the Government, the cheapest and in fact the only method by which a supply could be secured for this department. Many, I may say hundreds, of contracts had been made to pay a stipulated price for whisky for this and other departments. They all led to an abuse of distillation, a failure to furnish the required quantity, which was in nearly every case attributed to the inability to procure grain. Of course when the grain is furnished no such excuse can be made. This plan, therefore, seemed to me the only reliable and practicable plan by which the wants of the department could be supplied. I thereupon made several other contracts upon the same terms. Soon afterward I was informed that the statutes of this State required the entire product of the grain to be furnished to the Confederate States Government. I at once amended all contracts not in accordance with the statutes, requiring all whisky made from the grain turned over to the distiller to be furnished me, I paying a stipulated price, in no case exceeding that established by the commissioners for any excess over five quarts to the bushel in most cases, and

one gallon in the rest. As the correspondence shows, General Johnston held a conference with me and thought it advisable in certain contingencies to increase the supply of whisky to the army to content them with a deficiency of meat, which was then creating great dissatisfaction. I thereupon addressed my letter of 18th to Governor Brown. After receiving his reply of 28th I sent my letter of February 1, simply with a desire to know whether he (or the State of Georgia) would interfere with the distillation of grain belonging to the Government. This letter brought out his extraordinary communication of February 6. My first impulse was to reply in the same tone and spirit in which it was evidently conceived and written. A sense of duty, however, to my position dictated my reply of the 12th, and here the correspondence now rests.

I wish now to state a few facts for your consideration. When the President was here some months since Governor Brown urged upon his aide, General Lee, the propriety of declaring all North Georgia impracticable, *i. e.*, unable to furnish the tax in kind, or any other supplies, without distressing the inhabitants. Consent was given after some debate that certain counties should be so declared. Since the prospect of occupation by the enemy, and especially since the orders authorizing me to pay the market price for supplies, the patriotic citizens of these counties have astonished me with their hidden treasures which they wish to sell or exchange for the same kind in the lower portion of the State. To be sure, the quantity is utterly inadequate to the supply of the army, but enough to satisfy my mind that when soldiers' families suffer for bread it is solely because the soldier's pay of $11 per month is not sufficient to pay the prices which these patriotic farmers have fixed upon their provisions. Below here thousands upon thousands of bushels of corn belonging to the Government will be lost for want of transportation unless it can be distilled and the slops used in feeding hogs and cattle. The weevil proved our friend last year in forcing the farmer to send his corn to market. This year it is proving our bane. Thousands of bushels collected from the tax in kind have come to this place weevil-eaten and only fit for making whisky. The corn was supposed to be of the last crop. On its arrival it has proved to be corn grown the previous year, evidently hoarded and then substituted for just dues to the Government. From this stuff what can we expect to obtain except whisky, and what can we expect from the tithings of another year, unless those of the present are collected promptly and disposed of? In God's name, say I, give the army and the people all the bread they want, but let not the surplus be wasted and lost, and let enough be converted into whisky to supply the actual wants of the army.

I say nothing more of the part I have taken in this matter except that I have tried to do my duty. In common with other departments I have experienced unlooked-for opposition from the State authorities. They seem bent on subordinating the best interests and success of the Confederacy to their self-conceived notions of justice and patriotism, and an insane desire to preserve the material interests and welfare of all citizens. My report of persons employed by me you will receive in a few days through Major Locke.

Very respectfully, &c.,

J. F. CUMMINGS,
Major and Commissary of Subsistence.

[Inclosure No. 1.]

RICHMOND, *February 12, 1864.*

Maj. J. F. CUMMINGS:

Have you made any contracts for the manufacturing of whisky? If so, upon what terms? Reply immediately by telegraph.

By order of Commissary-General:

S. B. FRENCH,
Major and Commissary of Subsistence.

[Inclosure No. 2.]

ATLANTA, *February 12, 1864.*

Maj. S. B. FRENCH,
Richmond, Va.:

I have contracts for about 3,000 gallons whisky per month. Terms, five quarts whisky for bushel corn, and the excess to be furnished me at commissioners' price. I estimate the cost not to exceed $4 per gallon, and all whisky distilled by my contractors to be turned over to the Government. I write by mail.

J. F. CUMMINGS,
Major and Commissary of Subsistence.

[Inclosure No. 3.]

OFFICE OF CHIEF DISTRICT COMMISSARY,
Atlanta, Ga., January 18, 1864.

His Excellency JOSEPH E. BROWN,
Milledgeville, Ga.:

SIR: I have just returned from the front, where I have held a consultation with General Johnston about feeding the army. In the frequent want of animal food he has determined to issue rations of whisky, and to do this it is necessary for me to make contracts for the same in large quantities. I have already made several, and in all cases require contractors to furnish me the entire product of the grain turned over to them. My object in addressing you is to ascertain if, under the statutes of the State, any other steps are necessary to enable my contractors to carry out their agreements. Please answer at your earliest convenience, as the demands upon me for whisky are urgent and beyond my present means of supply.

Very respectfully, your obedient servant,

J. F. CUMMINGS,
Major and Commissary of Subsistence.

[Inclosure No. 4.]

OFFICE OF CHIEF DISTRICT COMMISSARY,
Atlanta, Ga., February 1, 1864.

His Excellency JOSEPH E. BROWN,
Governor, &c., Milledgeville, Ga.:

SIR: Yours of 28th received. I do not propose to use any but the corn of the tax in kind belonging to the Government in making whisky near the railroads and navigable streams. Will you please inform me at your earliest convenience whether you will attempt to prevent the distillation of grain belonging to the Confederate States Government, being receipts from the tax in kind, whenever and

wherever they may deem proper? The army needs the whisky, and I am now unable to respond to the calls upon me.

Very respectfully,

J. F. CUMMINGS,
Major and Commissary of Subsistence.

[Inclosure No. 5.]

EXECUTIVE DEPARTMENT,
Milledgeville, January 28, 1864.

Maj. J. F. CUMMINGS:

SIR: In reply to your letter I state that the laws of Georgia will not tolerate any such consumption of grain by distillation as you propose. When the country is so hard pressed for bread I shall order the prompt prosecution of every man who runs a still without a license from the State, and I shall grant no license to stills in Upper Georgia. The law only authorizes me to grant license to distill a small additional quantity by Confederate distillers, and these must be located in Southern and Southwestern Georgia, over twenty miles from a railroad or navigable stream.

Very respectfully,

JOSEPH E. BROWN.

[Inclosure No. 6.]

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., February 6, 1864.

Maj. J. F. CUMMINGS:

SIR: Your letter inquiring whether I will "attempt to prevent the distillation of grain belonging to the Confederate States Government, being receipts from the tax in kind, wherever and whenever they may deem proper," is received. In reply I have to state that it is as much a violation of the penal laws of this State for any person, no matter what his position may be, to distill Government corn in this State without a license from the Governor as it is to distill the corn of a citizen or to commit the crime of theft or swindling; and while I am responsible as the Executive of the State I shall attempt to execute her criminal laws as well as her civil. The Legislature of this State by express statute provided how much whisky and alcohol might be made of grain within the limits of the State for the Confederate Government, with the license of the Governor, but made it highly penal for any to be made without such license, and limited the quantity beyond which the license should not be granted by the Governor. It is therefore as much a violation of the criminal laws of this State for a Confederate officer to make whisky without a license as it is for any other person to do so. The ownership of the corn has nothing whatever to do with the question. You seem to think that because the corn is tithe corn the Government agents may distill it in violation of the criminal laws of the State without guilt. If so, why may they not distill corn purchased by the Government; and if they may do this, why may they not distill any which they choose to impress? The Government claims the ownership of the corn in the one case as well as the other. If it may distill tithe corn it may impress the bread out of the mouths of the wives and children of soldiers and distill that also. No such pretensions will be acquiesced in a moment by the State.

You say the demand for whisky for the army is heavy. I reply, the demand for bread in the army and at home is much greater.

One thing is very certain, there is not corn enough in the country to furnish the people and the army with rations of bread and whisky. One or the other must be dispensed with, and in my judgment no man connected with the army, unless he is a toper, or expects to make money out of the distillation, can hesitate to decide in favor of bread. If the question is left to the decision of a soldier who is a man, whether he shall have his drink of whisky in camp or his wife and children shall have bread at home, there will be no hesitation. He will decide in favor of bread. I have lately been through Upper, Middle, and Southwestern Georgia, and have observed closely, and I am quite sure the prospects of suffering for bread are alarming. In this state of things I feel that I should merit the censure of all good men if I were to allow more corn distilled into whisky than is actually necessary for hospital purposes. What whisky is made under license hereafter to be granted must be made in Southern or Southwestern Georgia, and made as the statute requires—of grain grown over twenty miles from a railroad or navigable stream. If the Government converts the tithe corn of Upper Georgia into whisky, it must take from the people by impressment as many bushels as it thus destroys for the use of the army. Hence the mischief is just as great as if it distilled corn which its officers have impressed.

Another very serious objection to leaving this matter to your discretion is, if I am not incorrectly informed, that you consume one and one-half times more corn than is necessary. I am informed that the rule is to deliver the Government corn to the distiller, and receive in exchange for a bushel of corn one gallon of whisky—possibly in some cases five quarts. Persons who are practical distillers tell me that a bushel of corn will make two and one-half gallons of as good whisky as is now generally selling in the market at about $50 per gallon. Thus you give the distiller, if no Government officer has any part of the profits, $75 per bushel to distill the Government corn, as he can make one gallon for you and one and one-half for himself. Suppose the Government wants 25,000 gallons of whisky. This can be made of 10,000 bushels of corn. Then why distill 25,000 bushels of corn to get 25,000 gallons? Why not consume only 10,000 bushels of corn and pay the distiller a reasonable compensation in money and leave the other 15,000 bushels for bread? If these kinds of contracts are continued while the poor are suffering for bread, the country will ask, and have a right to an answer, why it is so.

The laws of Georgia and regulations of this department have wisely, I think, provided against this kind of favoritism or fraud. They require the distiller who has a license to distill for the Confederate Government to deliver every gallon made out of the grain to the Government, and allow him to retain none of it for speculation. The Government pays him a stipulated price in money for his labor, and he is required before he gets the license to file his affidavit in writing that he will make no more than is mentioned in the license, and that he will deliver it all to the Government. Why should a Confederate officer object to having the distiller put upon these terms, and prefer to give him a bushel of corn for a gallon of whisky? He who does so object and attempts to engage in or encourage such unreasonable speculation, if not peculation, in defiance of the penal laws of this State, must expect to suffer the penalties which the law prescribes. If you have occasion to complain of this decision to your superior officers, you will be expected to furnish them a copy of this letter.

Respectfully,

JOSEPH E. BROWN.

[Inclosure No. 7.]

OFFICE OF CHIEF DISTRICT COMMISSARY,
February 12, 1864.

His Excellency JOSEPH E. BROWN,
Governor, &c., Milledgeville, Ga.:

SIR: I have the honor to acknowledge the receipt of your communication of 6th instant, which has been carefully noticed. I am convinced from the tenor of your letter that you have entirely misconstrued both my motives and action.

On the 18th of January I addressed you a plain inquiry, and stated that my contractors would be required to furnish me the entire product of all grain turned over to them. My subsequent communication of February 1 I addressed to you to obtain further information, and not with the most remote idea of aiding or abetting in setting at defiance the laws of the State. My letters were conceived and, as I think, couched in respectful and courteous language. Their aim was to avoid any confusion or clashing between the State and Confederate authorities, and if possible secure such concert of action as would enable me to carry out the orders received at headquarters. Since I have been a commissioned officer I have ever tried to devote my energies and industry to a faithful discharge of the arduous and often thankless duties of my position. I am satisfied from the tone of your letters that my operations have been misrepresented to you and my motives impugned, and therefore write to disabuse your mind on this point.

My first contracts, not having been in strict accordance with law, were amended so soon as I was advised of the fact by our mutual friend, Major Steele. None have since been made that did not, as I conceived, conform strictly to the statutes of the State. My contracts altogether thus far would not consume over 3,000 bushels of corn per month, a large portion of which will be refuse and weevil-eaten and wholly unfit for bread or stock feed. I expect to feed Government stock, hogs and cattle, with the slops, which are better for them than the corn before distillation. My object in all cases is to use corn not fit for bread, and as far as possible place distilleries in localities where it could not be moved out and would be destroyed and lost to the Government.

With this statement of facts, I beg leave to say that any insinuation of complicity in fraud and corruption on my part are false and slanderous, and I should be obliged to you for the names of the parties who have made them, at your earliest convenience, in order that I may properly vindicate myself. Our mutual friend General Foster, thinking that there was a needless waste of grain in making whisky, addressed a letter to the Secretary of War, which was subsequently referred to me. I have had an interview with him, and he is now satisfied with the terms of my contracts and will write you on the subject.

Very respectfully, &c.,

J. F. CUMMINGS,
Major and Commissary of Subsistence.

POST-OFFICE DEPARTMENT,
Richmond, February 15, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have been prevented from making an earlier answer to your letter of the 3d instant, partly by ill-health and partly by the pressure of other duties. In relation to the case of the postmaster at Ivor, Va., about which I wrote you on the 7th of January, an investigation subsequently made by a special agent of this Department shows that the complaint of the postmaster was without just foundation. It is therefore proper for me to withdraw my request for the interposition of your authority in this case. In relation to the cases presented in my letter of October 19 and November 17, our understanding of the object had in view in the passage of the law of April 14, 1863, "exempting contractors for carrying the mails, &c., from military service," and of its correct interpretation, are so different that I deem it proper to state such reasons as occur to me in support of the views presented in my former letters and in answer to yours. The only point on which there seems to be a difference of opinion between us is as to whether persons who become contractors while in the military service are entitled to exemption while they remain such contractors. I should say, in passing, that the questions were raised by officers executing the law of conscription which were in my mind as well as the one above stated, when in my letter of October 19 I said that "this Department has been very much annoyed by the impediments, seemingly of every possible kind, which have been thrown in its way by the action of the conscript officers of perfecting the contracts made during the past summer for carrying the mails." For instance, while it was assumed that no one was entitled to exemption who was in the military service at the time of making a contract, it was also assumed that no one was entitled to exemption who had not an existing contract at the date of the passage of the act exempting contractors; and in a number of cases contractors who had become such in July preceding the passage of the act of April 14, 1863, were arrested and held for military service by the conscript officers. Repeated cases of these kinds were brought to the attention of this Department. To have carried out these constructions would have entirely defeated the purposes of the law. This will be better understood by a statement of the necessity and reasons which induced the passage of the law.

On the 11th of October, 1862, Congress repealed the act of April 21, 1862, which exempted mail contractors from the performance of military service. Bids were to be received to the 31st of March, and contracts were to be awarded on the 30th of April, 1863, pursuant to previous notice by advertisement for carrying the mails for four years, from the 1st of July, 1863, in the States of Virginia, North Carolina, South Carolina, Georgia, and Florida. There were 887 routes to be let to contract at that time in these States. On the 11th of March, within twenty days of the expiration of the time for receiving bids, only 114 bids for these contracts had reached this Department, being 773 less than the number open to competition. The then increasing depreciation of our currency deterred persons from taking contracts at a fixed rate of compensation for the period of four years as a mere business operation, and the question had to be met whether the Government would allow the postal service to go down, or, to

prevent this, would exempt persons from military service who would take contracts to carry the mail. My recommendation to Congress, through the President, for the passage of a law to exempt contractors presented precisely this case as creating the necessity for such a law, and for these reasons, and to meet this necessity, Congress passed and the President approved this law. The policy of exempting mail contractors from military service was determined by the proper law-making authority, upon a case presented and on facts distinctly set forth, so that it is impossible to misunderstand the object of the law. Your objection is, however, that though this may be true as to those not enrolled in the military service at the time of making contracts with this Department, it has not the effect of exempting such persons as were in the military service at the time of making such contracts.

On this point I might rest the case on the decision and authority of the Confederate and State courts, notwithstanding the opinion expressed in your letter that "by every rule of reason and usage the settled construction given by an Executive Department of the Government to an act of Congress for its action is entitled to more consideration and weight of authority than an exposition by a subordinate judicial tribunal." I must express my dissent from the correctness of the principle announced in the lines above quoted. The true rule, as I understand it, is that the settled construction of an act of Congress by the department of Government charged with its execution, is strong persuasive evidence to the courts in favor of the correctness of that construction in cases of doubt. But under our system of Government this is the first case in which I ever heard of the assumption by any one that the construction of an act of Congress by an Executive Department of the Government was entitled to more consideration and weight of authority than its exposition by a judicial tribunal of competent jurisdiction. I use the expression of "competent jurisdiction" instead of the expression "subordinate judicial tribunal," because the decision of a judge of the district court of the Confederate States in a case over which he has rightful jurisdiction is conclusive as to the right of the Government and all of its departments, and of all other parties to the suit, until appealed from and reversed. Such is the effect in the case *Ex parte* Lane, decided in the Confederate district court held in this city, a copy of the opinion in which case I sent you with my letter of October 19. I have not been furnished with copies of the opinions of any other courts on this subject, but have seen in the newspapers and learned from other sources what purported to be the leading points in a decision made by the supreme court of the State of Georgia, which showed that that court had decided in a similar case to that of Lane, that a contractor for carrying the mails, though in the military service at the time the contract was made, was entitled under the law of April 14, 1863, to exemption. The same decision was made by a State court of Virginia of competent jurisdiction in the cases of John Surface and John C. Kinzer, and I have seen from the newspapers and heard from other sources that similar decisions have been made in several other courts in different States, while I have only heard of one judge of a State court who held a contrary opinion. So far, therefore, assuming this information to be correct, the authority of the courts would seem to be almost uniform against your construction of the act of 14th of April, 1863, exempting mail contractors. I doubt not that this law has been so conclusively settled by the courts that a disregard of the principles of these decisions by an officer of the Army by attempting to coerce military service

from a mail contractor would lay him liable to a civil suit in damages for an unlawful arrest and false imprisonment. And they certainly seem sufficiently conclusive to control the action of the Executive Departments of the Government, if the courts are to be regarded as the expositors of the law, and if the military is subordinate to the civil authority. If the doctrine should prevail that the construction of statutes by the Executive Departments of the Government is of paramount authority to the decisions of courts of competent jurisdiction, then there is an end, of course, to civil liberty, except in so far as it may be enjoyed by the forbearance of those departments. The form of our Government does not admit of this, nor would our people endure it. But if it were admitted that the construction of this statute by the departments could override judicial decisions, would the construction of the War Department or that of the Post-Office Department prevail? Each is interested, and who should determine which is the more interested? There must be an arbiter of this question. If this arbitrament is to depend on the possession of soldiers and bayonets, then of course it is a question not of law and right, but of force and power. But if the courts of the country are to be the arbiters, then the question is one for judicial solution, according to law and the principles of justice.

You inform me that "the views of this (the War) Department on this question of construction have been given fully in answer to a resolution of the House of Representatives during the present session, and unless Congress shall otherwise direct, these views will continue, as heretofore, to be the rule of its action." I have not seen your response to the resolution of the House on this subject, and would in nowise feel bound by a document never brought to my notice, and which, while entitled to respect, is of no more binding authority than the opinion of a coequal branch of the Executive Government. The fact that Congress passed the law exempting mail contractors, with the express understanding that it was necessary to deprive the Army of the service of this small number of men who were necessary to keep up the postal service, and that the courts have decided that such was the effect of the law they passed, together with my protest in my last report to Congress against the action of the military authorities on the subject, are deemed sufficient to preserve the rights of this Department against any supposed assent to adverse views; and besides, it cannot rightly be assumed that Congress consents to the correctness of the interpretation of a law by one of the departments because it omits to legislate in response to said interpretation. It may well and properly leave the determination of the question as to the correctness of such interpretation to the courts, where alone the question can be authoritatively decided.

I refer you to the opinion of Judge Halyburton in the case of Lane for the reasons which sustain this construction of the act of April 14, 1863, to save the trouble of copying or restating them. In reference to your suggestion that the act of April 2, 1863, authorizing the discharge of certain officers from the military service throws additional light upon the proper construction of the acts of October 11, 1862, and 14th of April, 1863, I would say that the force of this suggestion seems to consist in a supposed distinction created by the use of the word "discharge" in the act of April 2, and the word "exempt" in the act of April 14. On this point I quote from the opinion of Judge Halyburton:

It is said by the counsel for Captain Follen (the conscript officer) that the act referred to does not discharge persons who were in the service at the time

when the contract was made, but only extends to those who had entered into contracts before their enlistment; that if Congress had meant to release those who were already in service, the word "discharge" would have been used, and not the word "exempt," which, it is said, is inappropriate in such a case. The word "exempt," however, is not a technical term. It does not bear in a statute a different construction from that which belongs to it in common speech, and the lexical definition of the word along with other meanings is "free from service, charge, burden, tax, duty, &c., not liable to." If, then, it were meant to release or discharge from service a soldier who is already in service, it would be not only an intelligible but a correct expression to say that he should hereafter be "exempt" from duty; that is, to say free from duty or service. If Congress had meant that the act to which we have referred should extend to men in actual service alone, they might perhaps, and probably would, have used the word "discharged" instead of "exempt." If, however, they intended that the law should embrace not only persons in the service, but others not enrolled, the word "discharged" from the service would have been inapplicable. Nor does it occur to me that they could have so well expressed their meaning in such a case by any other word as by the word "exempt" without a periphrasis.

This reasoning seems to me to be sound and to dispose of the question. It is conceded that when one enters the military service for a time agreed on, either voluntarily or by conscription, he cannot, by entering into new engagements without the consent of the Government, avoid his liability to serve out his time. Hence the necessity for the passage of the law of the 2d of April above referred to. And it was equally competent for Congress to exempt those who were in the military service, or liable to be enrolled, in order that the Government might have the benefit of their services in carrying the mails, by the act of April 14, 1863.

I have discussed this subject at this length more because of the principles involved than on account of the small number of men who may happen hereafter to be employed by this Department who would otherwise be liable to service in the Army. In my letter to you of October 19 I said:

> I may also mention that there will be no other general letting of mail contracts until the summer of the year 1866, and only such additional contracts will have to be made as are rendered necessary when present contractors abandon the service; and these, it is hoped, will be but few.

In my last annual report it is shown that there are but 1,253 contractors for carrying the mails in the Confederate States, and that of these only 147 had obtained contracts at nominal rates of compensation. These are presumed to be persons otherwise liable to military service, but I have no means of knowing what proportion of them were in the military service when they entered into contracts. I said in this report:

> I recognize fully the necessity of calling into the military service all who are capable of bearing arms and who can be spared from other employments. But under this law the number to be exempted was too small to affect materially the military operations, and yet the exemption of that small number, under the circumstances which induced the adoption of the policy, was necessary to keep in successful operation the postal service and to satisfy the demands of the public by the proper and speedy transmission of intelligence.

I have no subsequent information which requires a change of the views expressed in the above extract. I may add that this Department is not singular in being compelled to ask for the services of persons otherwise liable to military duty. A number of contracts, it is understood, have been made by the War Department to supply its necessities which involve exemption. And this has doubtless been the case with other departments. Some public necessities must be met in this way at a time when so large a part of the male population

of the country is called into the field. I will, in all cases in which it is practicable, avoid the employment of persons in the service of this Department who are either in the Army or liable to enrollment, as I sympathize most fully with your efforts to fill up the Army.

In reference to your request that I "designate all the contractors where the parties have been discharged from the military service on writs of habeas corpus, in order that they may be reclaimed by the military authorities," I have to say that if I thought it right to aid in disregarding the judicial decisions by which these persons were discharged, I have no information which would enable me to comply with your request, except in a very few cases which have incidentally come to my knowledge. We receive bids and award contracts in the great mass of cases without seeing or knowing the contractors, and without any means of knowing whether they are in the military service or liable to enrollment, except as we infer from the low rates of their bids, and without any means of knowing who have been discharged on habeas corpus. But you will see from the foregoing that I do not think it would be proper to adopt the course you suggest.

With great respect, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

AUGUSTA, GA., *February 16, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

Mr. SEDDON: I beg your permission to write a few words, after the style of a plain, unofficial, but earnest man, writing to a man of practical wisdom.

I feel, as intensely as it is possible to feel, the vital necessity of striking hard blows now, and striking at as many points and in as many ways as possible, so as to aid our cause and save our country.

I have perfected my plans and distributed my men, with means improvised for the purpose (since the Government has not as yet paid our force any money), and between the 1st and 15th of March, on the same day, I propose to destroy the enemy's transports, arsenals, navy-yards, stores, &c., in accordance with the outline of the plan I gave you in December.

I beg that this plan be borne in mind as our link in the chain of testimony in favor of our force. On the same day at all points we mean to strike effectually, so as to exert an influence upon the spring campaign.

Hon. John B. Clark did me the kindness to advise me by letter that the Senate had passed a bill—he did not state its provisions—which might aid in facilitating my plans, which he supposed would also be passed by the House. This led me to conclude it was the bill which you informed me in our latest interview you would propose and submit to the Military Committee, for the purpose of putting this secret service upon a systematic and legal footing, and then would give me those facilities which I asked in some written propositions submitted at your suggestion.

Mr. Seddon, please do me the kindness to take ten minutes of your overtaxed time, and give me the commission or order or direction or authority or recognition which will enable me to prosecute this work vigorously and systematically, and I promise you to render a good account of our labors.

I visit my family for a few days, with whom I have spent one week in two and a half years. I shall be much gratified to receive your orders, and for twenty days to come my address will be Hebron, S. C.

With great respect, &c.,

JOSEPH W. TUCKER.

[FEBRUARY 16, 1864.—For Magruder to Smith, with reference to the action of the Governor and Legislature of Texas in relation to the transfer of State troops to the Confederate service, see Series I, Vol. XXXIV, Part II, p. 973.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 17, 1864.

Hon. JOHN H. REAGAN,
Postmaster-General:

SIR: I have received your favor of the 25th [15th] instant in reply to mine of the 3d instant.

It has received the consideration due alike from my personal respect toward yourself, the importance of the principles involved, and the ability with which your views are presented.

It is evident that further discussion between us will not result in a change of opinions now held, and, while I am unable to concur with you, I have no hope of inducing you to agree with me, so that no good could result from any review of your letter.

I am pleased to learn from you of your being satisfied that the complaint of the postmaster at Ivor was not well founded, and thank you for the frankness with which it was communicated.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

Address of Congress to the people of the Confederate States.

JOINT RESOLUTION in relation to the war.

Resolved by the Congress of the Confederate States of America, That the present is deemed a fitting occasion to remind the people of the Confederate States that they are engaged in a struggle for the preservation both of liberty and civilization; and that no sacrifice of life or fortune can be too costly which may be requisite to secure to themselves and their posterity the enjoyment of these inappreciable blessings; and also to assure them that, in the judgment of the Congress, the resources of the country, if developed with energy, husbanded with care and applied with fidelity, are more than sufficient to support the most protracted war which it can be necessary to wage for our independence; and to exhort them, by every consideration which can influence freemen and patriots to a magnanimous surrender of all personal and party feuds; to an indignant rebuke of every exhibition of factious temper, in whatever quarter, or upon whatever pretext it may be made; to a generous support of all branches of the Government in the legitimate exercise of their constitutional powers; and to that harmonious, unselfish, and patriotic co-operation which

can alone impart to our cause the irresistible strength which springs from united councils, fraternal feelings, and fervent devotion to the public weal.

Approved January 22, 1864.

In closing the labors of the first permanent Congress your representatives deem it a fit occasion to give some account of their stewardship; to review briefly what, under such embarrassments and adverse circumstances, has been accomplished; to invite attention to the prospect before us, and the duties incumbent on every citizen in this crisis, and to address such words of counsel and encouragement as the times demand.

Compelled by a long series of oppressive and tyrannical acts, culminating at last in the selection of a President and Vice-President by a party confessedly sectional and hostile to the South and her institutions, these States withdrew from the former Union and formed a new Confederate alliance as an independent Government, based on the proper relations of labor and capital. This step was taken reluctantly, by constraint, and after the exhaustion of every measure that was likely to secure us from interference with our property, equality in the Union, or exemption from submission to an alien Government. The Southern States claimed only the unrestricted enjoyment of the rights guaranteed by the Constitution. Finding, by painful and protracted experience, that this was persistently denied, we determined to separate from those enemies who had manifested the inclination and ability to impoverish and destroy us. We fell back upon the right for which the Colonies maintained the war of the Revolution, and which our heroic forefathers asserted to be clear and inalienable. The unanimity and zeal with which the separation was undertaken and perfected finds no parallel in history. The people rose en masse to assert their liberties and protect their menaced rights. There never was before such universality of conviction among any people on any question involving so serious and so thorough a change of political and international relations. This grew out of the clearness of the right so to act, and the certainty of the perils of further association with the North. The change was so wonderful, so rapid, so contrary to universal history, that many fail to see that all has been done in the logical sequence of principles, which are the highest testimony to the wisdom of our fathers and the best illustration of the correctness of those principles. This Government is a child of law instead of sedition, of right instead of violence, of deliberation instead of insurrection. Its early life was attended by no anarchy, no rebellion, no suspension of authority, no social disorders, no lawless disturbances. Sovereignty was not for one moment in abeyance. The utmost conservatism marked every proceeding and public act. The object was "to do what was necessary, and no more; and to do that with the utmost temperance and prudence." Saint-Just, in his report to the convention of France, in 1793, said: "A people has but one dangerous enemy, and that is government." We adopted no such absurdity. In nearly every instance the first steps were taken legally, in accordance with the will and prescribed direction of the constituted authorities of the seceding States. We were not remitted to brute force or natural law, or the instincts of reason. The charters of freedom were scrupulously preserved. As in the English revolution of 1688, and ours of 1776, there was no material alteration in the laws beyond what was necessary to redress the abuses that provoked the struggle. No attempt was made

to build on speculative principles. The effort was confined within the narrowest limits of historical and constitutional right. The controversy turned on the records and muniments of the past. We merely resisted innovation and tyranny, and contended for our birthrights and the covenanted principles of our race. We have had our Governors, General Assemblies, and courts; the same electors, the same corporations, "the same rules for property, the same subordinations, the same order in the law and in the magistracy." When the sovereign States met in council they, in truth and substance and in a constitutional light, did not make but prevented a revolution.

Commencing our new national life under such circumstances, we had a right to expect that we would be permitted, without molestation, to cultivate the arts of peace, and vindicate, on our chosen arena and with the selected type of social characteristics, our claims to civilization. It was thought, too, by many, that war would not be resorted to by an enlightened country except on the direst necessity. That a people, professing to be animated by Christian sentiment, and who had regarded our peculiar institution as a blot and blur upon the fair escutcheon of their common Christianity, should make war upon the South for doing what they had a perfect right to do, and for relieving them of the incubus which, they professed, rested upon them by association, was deemed almost beyond belief by many of our wisest minds. It was hoped, too, that the obvious interests of the two sections would restrain the wild frenzy of excitement, and turn into peaceful channels the thoughts of those who had but recently been invested with power in the United States.

These reasonable anticipations were doomed to disappointment. The red glare of battle, kindled at Sumter, dissipated all hopes of peace, and the two Governments were arrayed in hostility against each other. We charge the responsibility of this war upon the United States. They are accountable for the blood and havoc and ruin it has caused. For such a war we were not prepared. The difference in military resources between our enemies and ourselves; the immense advantages possessed in the organized machinery of an established Government, a powerful navy, the nucleus of an army, credit abroad, and illimitable facilities in mechanical and manufacturing power, placed them on "the vantage ground." In our infancy we were without a seaman or soldier, without revenue, without gold and silver, without a recognized place in the family of nations, without external commerce, without foreign credit, with the prejudices of the world against us. While we were without manufacturing facilities to supply our wants, our ports were blockaded; we had to grapple with a giant adversary, defend 2,000 miles of sea-coast, and an inland frontier of equal extent. If we had succeeded in preventing any successes on the part of our enemy, it would have been a miracle. What we have accomplished, with a population so inferior in numbers and means so vastly disproportionate, has excited the astonishment and admiration of the world.

The war in which we are engaged was wickedly, and against all our protests and the most earnest efforts to the contrary, forced upon us. South Carolina sent a commission to Washington to adjust all questions of dispute between her and the United States. One of the first acts of the Provisional Government was to accredit agents to visit Washington and use all honorable means to obtain a satisfactory settlement of all questions of dispute with that Government. Both efforts failed. Commissioners were deceived and rejected, and clan-

destine but vigorous preparations were made for war. In proportion to our perseverance and anxiety have been the obstinacy and arrogance in spurning offers of peace. It seems we can be indebted for nothing to the virtues of our enemy. We are obliged to his vices, which have inured to our strength. We owe as much to his insolence and blindness as to our precaution.

The wager of battle having been tendered, it was accepted. The alacrity with which our people flew to arms is worthy of all praise. Their deeds of heroic daring, patient endurance, ready submission to discipline, and numerous victories, are in keeping with the fervent patriotism that prompted their early volunteering. Quite recently scores of regiments have re-enlisted for the war, testifying their determination to fight until their liberties were achieved. Coupled with and contributing greatly to this enthusiastic ardor was the lofty courage, the indomitable resolve, the self-denying spirit of our noble women, who, by their labors of love, their patience of hope, their unflinching constancy, their uncomplaining submission to privations of the war, have shed an immortal luster upon their sex and country.

Our Army is no hireling soldiery. It comes not from paupers, criminals, or emigrants. It was originally raised by the free, unconstrained, unpurchasable assent of the men. All vocations and classes contributed to the swelling numbers. Abandoning luxuries and comforts to which they had been accustomed, they submitted cheerfully to the scanty fare and exactive service of the camps. Their services above price, the only remuneration they have sought is the protection of their altars, firesides, and liberty. In the Norwegian wars the actors were, every one of them, named and patronymically described as the King's friend and companion. The same wonderful individuality has been seen in this war. Our soldiers are not a consolidated mass, an unthinking machine, but an army of intelligent units. To designate all who have distinguished themselves by special valor would be to enumerate nearly all in the Army. The generous rivalry between the troops from different States has prevented any special pre-eminence, and hereafter, for centuries to come, the gallant bearing and unconquerable devotion of Confederate soldiers will inspire the hearts and encourage the hopes and strengthen the faith of all who labor to obtain their freedom.

For three years this cruel war has been waged against us, and its continuance has been seized upon as a pretext by some discontented persons to excite hostility to the Government. Recent and public as have been the occurrences, it is strange that a misapprehension exists as to the conduct of the two Governments in reference to peace. Allusion has been made to the unsuccessful efforts, when separation took place, to procure an amicable adjustment of all matters in dispute. These attempts at negotiation do not comprise all that has been done. In every form in which expression could be given to the sentiment, in public meetings, through the press, by legislative resolves, the desire of this people for peace, for the uninterrupted enjoyment of their rights and prosperity, has been made known. The President, more authoritatively, in several of his messages, while protesting the utter absence of all desire to interfere with the United States, or acquire any of their territory, has avowed that the "advent of peace will be hailed with joy. Our desire for it has never been concealed. Our efforts to avoid the war, forced on us as it was by the

lust of conquest and the insane passions of our foes, are known to mankind."

The course of the Federal Government has proved that it did not desire peace, and would not consent to it on any terms that we could possibly concede. In proof of this we refer to the repeated rejection of all terms of conciliation and compromise, to their recent contemptuous refusal to receive the Vice-President, who was sent to negotiate for softening the asperities of war, and their scornful rejection of the offer of a neutral power to mediate between the contending parties.* If cumulative evidence be needed, it can be found in the following resolution, recently adopted by the House of Representatives in Washington:

Resolved, That as our country and the very existence of the best Government ever instituted by man are imperiled by the most causeless and wicked rebellion that the world has seen, and believing, as we do, that the only hope of saving this country and preserving this Government is by the power of the sword, we are for the most vigorous prosecution of the war until the Constitution and the laws shall be enforced and obeyed in all parts of the United States; and to that end we oppose any armistice or intervention or mediation or proposition for peace from any quarter, so long as there shall be found a rebel in arms against the Government; and we ignore all party names, lines, and issues, and recognize but two parties in this war—patriots and traitors.

The motive of such strange conduct is obvious. The Republican party was founded to destroy slavery and the equality of the States, and Lincoln was selected as the instrument to accomplish this object. The Union was a barrier to the consummation of this policy, because the Constitution, which was its bond, recognized and protected slavery and the sovereignty of the States. The Union must, therefore, be sacrificed, and to insure its destruction war was determined on.

The mass of the Northern people were not privy to, and sympathized in no such design. They loved the Union and wished to preserve it. To rally the people to the support of the war its object was proclaimed to be "a restoration of the Union," as if that which implied voluntary assent, of which agreement was an indispensable element and condition, could be preserved by coercion. It is absurd to pretend that a Government really desirous of restoring the Union would adopt such measures as the confiscation of private property, the emancipation of slaves, systematic efforts to invite them to insurrection, forcible abduction from their homes, and compulsory enlistment in the Army, the division of a sovereign State without its consent, and a proclamation that one-tenth of the population of a State, and that tenth under military rule, should control the will of the remaining nine-tenths. The only relation possible between the two sections under such a policy is that of conqueror and conquered, superior and dependent. Rest assured, fellow-citizens, that although restoration may still be used as a war cry by the Northern Government, it is only to delude and betray. Fanaticism has summoned to its aid cupidity and vengeance, and nothing short of your utter subjugation, the destruction of your State governments, the overthrow of your social and political fabric, your personal and public degradation and ruin, will satisfy the demands of the North. Can there be a man so vile, so debased, so unworthy of liberty as to accept peace on such humiliating terms?

It would hardly be fair to assert that all the Northern people participate in these designs. On the contrary, there exists a powerful political party which openly condemns them. The administration has, however, been able thus far, by its enormous patronage and its

*For correspondence relating to this subject, see Series II, Vol. VI.

lavish expenditures, to seduce, or by its legions of "Hessian" mercenaries to overawe, the masses, to control the elections, and to establish an arbitrary despotism. It cannot be possible that this state of things can continue. The people of the United States, accustomed to freedom, cannot consent to be ruined and enslaved in order to ruin and enslave us. Moral like physical epidemics have their allotted periods, and must sooner or later be exhausted and disappear. When reason returns our enemies will probably reflect that a people like ours, who have exhibited such capabilities and extemporized such resources, can never be subdued; that a vast expanse of territory with such a population cannot be governed as an obedient colony. Victory would not be conquest. The inextinguishable quarrel would be transmitted "from bleeding sire to son," and the struggle would be renewed between generations yet unborn. To impoverish us would only be to dry up some of the springs of Northern prosperity—to destroy Southern wealth is to reduce Northern profits—while the restoration of peace would necessarily re-establish some commercial intercourse. It may not be amiss in this connection to say that at one time it was the wish and expectation of many at the South to form a treaty of amity and friendship with the Northern States, by which both peoples might derive the benefits of commercial intercourse and move on side by side in the arts of peace and civilization. History has confirmed the lesson taught by Divine authority, that each nation as well as each individual should seek their happiness in the prosperity of others, and not in the injury or ruin of a neighbor. The general welfare of all is the highest dictate of moral duty and economic policy, while a heritage of triumphant wrong is the greatest curse that can befall a nation.

Until some evidence is given of a change of policy on the part of the Government, and some assurance is received that efforts at negotiation will not be spurned, the Congress are of opinion that any direct overtures for peace would compromise our self-respect, be fruitless of good, and interpreted by the enemy as an indication of weakness. We can only repeat the desire of the people for peace, and our readiness to accept terms consistent with the honor and dignity and independence of the States and compatible with the safety of our domestic institutions.

Not content with rejecting all proposals for a peaceful settlement of the controversy, a cruel war of invasion was commenced, which, in its progress, has been marked by a brutality and disregard of the rules of civilized warfare that stand out in unexampled barbarity in the history of modern wars. Accompanied by every act of cruelty and rapine, the conduct of the enemy has been destitute of that forbearance and magnanimity which civilization and Christianity have introduced to mitigate the asperities of war. The atrocities are too incredible for narration. Instead of a regular war, our resistance of the unholy efforts to crush out our national existence is treated as a rebellion, and the settled international rules between belligerents are ignored. Instead of conducting the war as betwixt two military and political organizations, it is a war against the whole population. Houses are pillaged and burned. Churches are defaced. Towns are ransacked. Clothing of women and infants is stripped from their persons. Jewelry and mementoes of the dead are stolen. Mills and implements of agriculture are destroyed. Private salt-works are broken up. The introduction of medicines is forbidden. Means of subsistence are wantonly wasted to produce beggary. Prisoners are

returned with contagious diseases. The last morsel of food has been taken from families, who were not allowed to carry on a trade or branch of industry. A rigid and offensive espionage has been introduced to ferret out "disloyalty." Persons have been forced to choose between starvation of helpless children and taking the oath of allegiance to a hated Government. The cartel for exchange of prisoners has been suspended and our unfortunate soldiers subjected to the grossest indignities. The wounded at Gettysburg were deprived of their nurses and inhumanly left to perish on the field. Helpless women have been exposed to the most cruel outrages and to that dishonor which is infinitely worse than death. Citizens have been murdered by the Butlers and McNeils and Milroys, who are favorite generals of our enemies. Refined and delicate ladies have been seized, bound with cords, imprisoned, guarded by negroes, and held as hostages for the return of recaptured slaves. Unoffending non-combatants have been banished or dragged from their quiet homes, to be immured in filthy jails. Preaching the gospel has been refused, except on conditions of taking the oath of allegiance. Parents have been forbidden to name their children in honor of "rebel" chiefs. Property has been confiscated. Military governors have been appointed for States, satraps for provinces, and Haynaus for cities.

These cruelties and atrocities of the enemy have been exceeded by their malicious and bloodthirsty purposes and machinations in reference to the slaves. Early in this war President Lincoln averred his constitutional inability and personal unwillingness to interfere with the domestic institutions of the States and the relation between master and servant. Prudential considerations may have been veiled under conscientious scruples, for Seward, in a confidential instruction to Mr. Adams, the minister to Great Britain, on 10th of March, 1862, said:

> If the Government of the United States should precipitately decree the immediate abolition of slavery, it would reinvigorate the declining insurrection in every part of the South.

Subsequent reverses and the refractory rebelliousness of the seceded States caused a change of policy, and Mr. Lincoln issued his celebrated proclamation, a mere *brutum fulmen* liberating the slaves in the "insurrectionary districts." On the 24th of June, 1776, one of the reasons assigned by Pennsylvania for her separation from the mother country was that in her sister colonies the "King had excited the negroes to revolt" and to imbrue their hands in the blood of their masters in a manner unpracticed by civilized nations." This, probably, had reference to the proclamation of Dunmore, the last royal Governor of Virginia, in 1775, declaring freedom to all servants or negroes, if they would join "for the reducing the colony to a proper sense of its duty." The invitation to the slaves to rise against their masters, the suggested insurrection, caused, says Bancroft, "a thrill of indignation to run through Virginia, effacing all differences of party, and rousing one strong, impassioned purpose to drive away the insolent power by which it had been put forth." A contemporary annalist, adverting to the same proclamation, said, "It was received with the greatest horror in all the colonies."

"The policy adopted by Dunmore," says Lawrence in his Notes on Wheaton, "of arming the slaves against their masters was not pursued during the war of the Revolution; and when negroes were taken by the English they were not considered otherwise than as property and plunder." Emancipation of slaves as a war measure has been

severely condemned and denounced by the most eminent publicists in Europe and the United States. The United States, "in their diplomatic relations, have ever maintained," says the Northern authority just quoted, "that slaves were private property, and for them, as such, they have repeatedly received compensation from England." Napoleon I was never induced to issue a proclamation for the emancipation of the serfs in his war with Russia. He said:

> I could have armed against her a part of her population by proclaiming the liberty of the serfs. A great number of villages asked it of me, but I refused to avail myself of a measure which would have devoted to death thousands of families.

In the discussion growing out of the treaty of peace of 1814 and the proffered mediation of Russia, the principle was maintained by the United States that "the emancipation of enemy's slaves is not among the acts of legitimate warfare." In the instructions from John Quincy Adams, as Secretary of State, to Mr. Middleton, at Saint Petersburg, October 18, 1820, it is said:

> The British have broadly asserted the right of emancipating slaves (private property) as a legitimate right of war. No such right is acknowledged as a law of war by writers who admit any limitation. The right of putting to death all prisoners in cold blood, and without special cause, might as well be pretended to be a law of war, or the right to use poisoned weapons, or to assassinate.

Disregarding the teachings of the approved writers on international law, and the practice and claims of his own Government in its purer days, President Lincoln has sought to convert the South into a San Domingo, by appealing to the cupidity, lusts, ambition, and ferocity of the slave. Abraham Lincoln is but the lineal descendant of Dunmore, and the impotent malice of each was foiled by the fidelity of those who, by the meanness of the conspirators, would only, if successful, have been seduced into idleness, filth, vice, beggary, and death.

But we tire of these indignities and enormities. They are too sickening for recital. History will hereafter pillory those who committed and encouraged such crimes in immortal infamy.

General Robert E. Lee in a recent battle order stated to his invincible legions, that "the cruel foe seeks to reduce our fathers and mothers, our wives and children, to abject slavery." He does not paint too strongly the purposes of the enemy or the consequences of subjugation. What has been done in certain districts is but the prologue of the bloody drama that will be enacted. It is well that every man and woman should have some just conception of the horrors of conquest. The fate of Ireland at the period of its conquest, and of Poland, distinctly foreshadows what would await us. The guillotine, in its ceaseless work of blood, would be revived for the execution of the "rebel leaders." The heroes of our contest would be required to lay down their proud ensigns, on which are recorded the battle-fields of their glory, to stack their arms, lower their heads in humiliation and dishonor, and pass under the yoke of Abolition misrule and tyranny. A hateful inquisition, made atrocious by spies and informers; star-chamber courts, enforcing their decisions by confiscations, imprisonments, banishments, and death; a band of detectives, ferreting out secrets, lurking in every family, existing in every conveyance; the suppression of free speech; the deprivation of arms and franchises; and the ever present sense of inferiority would make our condition abject and miserable beyond what freemen can imagine.

Subjugation involves everything that the torturing malice and devilish ingenuity of our foes can suggest—the destruction of our nationality, the equalization of whites and blacks, the obliteration of State lines, degradation to colonial vassalage, and the reduction of many of our citizens to dreary, hopeless, remediless bondage. A hostile police would keep "order" in every town and city. Judges, like Busteed, would hold our courts, protected by Yankee soldiers. Churches would be filled by Yankee or tory preachers. Every office would be bestowed on aliens. Absolutism would curse us with all its vices. Superadded to these, sinking us into a lower abyss of degradation, we would be made the slaves of our slaves, hewers of wood and drawers of water for those upon whom God has stamped indelibly the marks of physical and intellectual inferiority. The past, or foreign countries, need not be sought unto to furnish illustrations of the heritage of shame that subjugation would entail. Baltimore, Saint Louis, Nashville, Knoxville, New Orleans, Vicksburg, Huntsville, Norfolk, New Berne, Louisville, and Fredericksburg, are the first fruits of the ignominy and poverty of Yankee domination.

The sad story of the wrongs and indignities endured by those States which have been in the complete or partial possession of the enemy will give the best evidence of the consequences of subjugation. Missouri, a magnificent empire of agricultural and mineral wealth, is to-day a smoking ruin and the theater of the most revolting cruelties and barbarities. The minions of tyranny consume her substance, plunder her citizens, and destroy her peace. The sacred rights of freemen are struck down, and the blood of her children, her maidens, and her old men is made to flow, out of mere wantonness and recklessness. No whispers of freedom go unpunished, and the very instincts of self-preservation are outlawed. The worship of God and the rites of sepulture have been shamefully interrupted, and in many instances the cultivation of the soil is prohibited to her own citizens. These facts are attested by many witnesses, and it is but a just tribute to that noble and chivalrous people that, amid barbarities almost unparalleled, they still maintain a proud and defiant spirit toward their enemies.

In Maryland, the judiciary, made subservient to executive absolutism, furnishes no security for individual rights or personal freedom; members of the Legislature are arrested and imprisoned without process of law or assignment of cause, and the whole land groaneth under the oppressions of a merciless tyranny.

In Kentucky, the ballot box has been overthrown, free speech is suppressed, the most vexatious annoyances harass and embitter, and all the arts and appliances of an unscrupulous despotism are freely used to prevent the uprising of the noble patriots of "the dark and bloody ground." Notes of gladness, assurances of a brighter and better day, reach us, and the exiles may take courage and hope for the future.

In Virginia, the model of all that illustrates human heroism and self-denying patriotism, although the tempest of desolation has swept over her fair domains, no sign of repentance for her separation from the North can be found. Her old homesteads dismantled, her ancestral relics destroyed, her people impoverished, her territory made the battle-ground for the rude shocks of contending hosts, and then divided with hireling parasites, mockingly claiming jurisdiction and

authority, the Old Dominion still stands with proud crest and defiant mien, ready to tramp beneath her heel every usurper and tyrant, and to illustrate afresh her *sic semper tyrannis*, the "proudest motto that ever blazed on a nation's shield or a warrior's arms."

To prevent such effects our people are now prosecuting this struggle. It is no mere war of calculation, no contest for a particular kind of property, no barter of precious blood for filthy lucre. Everything involved in manhood, civilization, religion, law, property, country, home, is at stake. We fight not for plunder, spoils, pillage, territorial conquest. The Government tempts by no prizes of "beauty or booty" to be drawn in the lottery of this war. We seek to preserve civil freedom, honor, equality, firesides, and blood is well shed when "shed for our family, for our friends, for our kind, for our country, for our God." Burke said:

> A State resolved to hazard its existence rather than abandon its object, must have an infinite advantage over that which is resolved to yield rather than carry its resistance beyond a certain point.

It is better to be conquered by any other nation than by the United States. It is better to be a dependency of any other power than of that. By the condition of its existence and essential Constitution as now governed, it must be in perpetual hostility to us. As the Spanish invader burned his ships to make retreat impossible, so we cannot afford to take steps backward. Retreat is more dangerous than advance. Behind us are inferiority and degradation. Before us is everything enticing to a patriot.

Our bitter and implacable foes are preparing vigorously for the coming campaign. Corresponding efforts should be made on our part. Without murmuring, our people should respond to the laws which the exigency demands. Every one capable of bearing arms should be connected with some effective military organization. The utmost energies of the whole population should be taxed to produce food and clothing, and a spirit of cheerfulness and trust in an all-wise and overruling Providence should be cultivated.

The history of the past three years has much to animate us to renewed effort and a firmer and more assured hope. A whole people have given their hearts and bodies to repel the invader, and costly sacrifices have been made on the altar of our country. No similar instance is to be found of such spontaneous uprising and volunteering. Inspired by a holy patriotism, again and again have our brave soldiers, with the aid of Heaven, baffled the efforts of our foes. It is in no arrogant spirit that we refer to successes that have cost us so much blood and brought sorrow to so many hearts. We may find in all this an earnest of what, with determined and resolute exertion, we can do to avert subjugation and slavery—and we cannot fail to discern in our deliverance from so many and so great perils the interposition of that Being who will not forsake us in the trials that are to come. Let us, then, looking upon the bodies of our loved and honored dead, catch inspiration from their example, and gather renewed confidence and a firmer resolve to tread, with unfaltering trust, the path that leads to honor and peace, although it lead through tears and suffering and blood.

We have no alternative but to do our duty. We combat for property, homes, the honor of our wives, the future of our children, the preservation of our fair land from pollution, and to avert a doom

which we can read both in the threats of our enemies and the acts of oppression we have alluded to in this address.

The situation is grave, but furnishes no just excuse for despondency. Instead of harsh criticisms on the Government and our generals; instead of bewailing the failure to accomplish impossibilities, we should rather be grateful, humbly and profoundly, to a benignant Providence for the results that have rewarded our labors. Remembering the disproportion in population, in military and naval resources, and the deficiency of skilled labor in the South, our accomplishments have surpassed those recorded of any people in the annals of the world. There is no just reason for hopelessness or fear. Since the outbreak of the war the South has lost the nominal possession of the Mississippi River and fragments of her territory; but Federal occupancy is not conquest. The fires of patriotism still burn unquenchably in the breasts of those who are subject to foreign domination. We yet have in our uninterrupted control a territory which, according to past progress, will require the enemy ten years to overrun.

The enemy is not free from difficulties. With an enormous debt, the financial convulsion, long postponed, is surely coming. The short crops in the United States and abundant harvests in Europe will hasten what was otherwise inevitable. Many sagacious persons at the North discover in the usurpations of their Government the certain overthrow of their liberties. A large number revolt from the unjust war waged upon the South and would gladly bring it to an end. Others look with alarm upon the complete subversion of constitutional freedom by Abraham Lincoln, and feel in their own persons the bitterness of the slavery which three years of war have failed to inflict on the South. Brave and earnest men at the North have spoken out against the usurpations and cruelties daily practiced. The success of these men over the radical and despotic faction which now rules the North may open the way to peaceful negotiation and a cessation of this bloody and unnecessary war.

In conclusion, we exhort our fellow-citizens to be of good cheer and spare no labor nor sacrifices that may be necessary to enable us to win the campaign upon which we have just entered. We have passed through great trials of affliction, but suffering and humiliation are the school-masters that lead nations to self-reliance and independence. These disciplinary providences but mature and develop and solidify our people. We beg that the supplies and resources of the country, which are ample, may be sold to the Government to support and equip its armies. Let all spirit of faction and past party differences be forgotten in the presence of our cruel foe. We should not despond. We should be self-denying. We should labor to extend to the utmost the productive resources of the country. We should economize. The families of soldiers should be cared for and liberally supplied. We entreat from all a generous and hearty co-operation with the Government in all branches of its administration, and with the agents, civil or military, in the performance of their duties. Moral aid has the "power of the incommunicable," and, by united efforts, by an all-comprehending and self-sacrificing patriotism, we can, with the blessing of God, avert the perils which environ us, and achieve for ourselves and children peace and freedom. Hitherto the Lord has interposed graciously to bring us victory, and in His hand there is present power

to prevent this great multitude which come against us from casting us out of the possession which He has given us to inherit.

T. J. Semmes, J. L. Orr, A. E. Maxwell, committee on the part of the Senate; J. W. Clapp, J. L. M. Curry, Julian Hartridge, John Goode, jr., W. N. H. Smith, committee of the House of Representatives; Thomas S. Bocock, Speaker of House of Representatives; Walter Preston, John McQueen, Charles W. Russell, W. Lander, A. H. Conrow, C. J. Munnerlyn, Thomas S. Ashe, O. R. Singleton, J. L. Pugh, A. H. Arrington, Waller R. Staples, A. R. Boteler, Thomas J. Foster, W. R. Smith, Ro. J. Breckinridge, John M. Martin, Porter Ingram, A. H. Garland, E. S. Dargan, D. Funsten, Thomas D. McDowell, J. R. McLean, R. R. Bridgers, G. W. Jones, B. S. Gaither, George W. Ewing, W. D. Holder, David W. Lewis, Henry E. Read, A. T. Davidson, M. H. Macwillie, James Lyons, Caspar W. Bell, R. B. Hilton, Charles J. Villeré, J. W. Moore, Lucius J. Dupré, John D. C. Atkins, Israel Welsh, William G. Swan, F. B. Sexton, T. L. Burnett, George G. Vest, Wm. Porcher Miles, E. Barksdale, Charles F. Collier, P. W. Gray, W. W. Clark, William W. Boyce, John R. Chambliss, John J. McRae, John Perkins, jr., Robert Johnston, James Farrow, W. D. Simpson, Lucius J. Gartrell, M. D. Graham, John B. Baldwin, E. M. Bruce, Thomas B. Hanly, W. P. Chilton, O. R. Kenan, C. M. Conrad, H. W. Bruce, David Clopton, W. B. Machen, D. C. De Jarnette, H. C. Chambers, Thomas Menees, S. A. Miller, James M. Baker, Robert W. Barnwell, A. G. Brown, Henry C. Burnett, Allen T. Caperton, John B. Clark, Clement C. Clay, William T. Dortch, Landon C. Haynes, Gustavus A. Henry, Benjamin H. Hill, R. M. T. Hunter, Robert Jemison, jr., Herschel V. Johnson, of Georgia, Robert W. Johnson, of Arkansas, Waldo P. Johnson, of Missouri, Augustus E. Maxwell, Charles B. Mitchel, W. S. Oldham, James L. Orr, James Phelan, Edwin G. Reade, T. J. Semmes, William E. Simms, Edward Sparrow, Louis T. Wigfall.

AN ACT to make additional appropriations for the support of the Government of the Confederate States of America, for the fiscal year ending June thirtieth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government, in addition to appropriations heretofore made, for the fiscal year ending on the thirtieth of June, one thousand eight hundred and sixty-four.

* * * * * * *

WAR DEPARTMENT.—For compensation of the Secretary of War, Assistant Secretary, Chief of Bureau, clerks, messengers and others employed in the War Department, one hundred and fifty thousand dollars.

For incidental and contingent expenses of the War Department, ninety thousand dollars.

For compensation of Commissioner and chief clerk of Indian affairs, and incidental expenses of Bureau, two thousand one hundred and twenty-five dollars.

For contingent expenses of the Adjutant and Inspector General's Department, fifty thousand dollars.

For incidental and contingent expenses of the Army, two hundred and fifty thousand dollars.

QUARTERMASTER'S DEPARTMENT.—For pay of officers and privates of the Army, volunteers, militia, &c., seventy-three million eight hundred and three thousand five hundred and fifty-one dollars.

For the service of the Quartermaster's Department, one hundred and sixty-two million eighty-one thousand five hundred and forty-four dollars.

For pay of officers, their fuel and quarters, laborers, employés, and agents, hire of teamsters, rent of offices, material, labor and building store-houses, and incidental expenses required to collect and preserve the tax in kind, from July the first, eighteen hundred and sixty-three, to June the thirtieth, eighteen hundred and sixty-four, five million three hundred and thirteen thousand two hundred and four dollars.

For railroad transportation of the articles collected under the tax in kind, one million five hundred thousand dollars.

For grain bags to be used for transportation of the grain collected under the tax in kind, three million two hundred and forty thousand dollars.

For purchase of wagons, teams and equipments, two million one hundred and sixty thousand dollars.

* * * * * * *

For pay of officers, non-commissioned officers and privates, and clerks, including current and extraordinary expenses in the Bureau of Conscription, four million eight hundred and sixty-eight thousand four hundred and sixty-seven dollars.

For the purpose of making purchases of cotton, naval stores, and other produce under the direction of the President, to meet the engagements of the Government, and to purchase necessary army, navy and other supplies, twenty millions of dollars.

For compensation of agents, sub-agents and contingent expenses of collecting the tax in kind on tobacco, one hundred thousand dollars.

* * * * * * *

For transportation of troops and their baggage, of quartermasters' stores, subsistence, ordnance and ordnance stores, from place of purchase to troops in the field, purchase of horses, mules, wagons and harness, purchase of lumber, nails, iron and steel for store-houses, quarters for troops and other repairs, hire of teamsters, laborers, &c., seventy million six hundred and thirty thousand four hundred and forty-six dollars.

For pay for horses killed in battle, under act No. 48, section 7, and for which provision is to be made, one hundred thousand dollars.

To pay for property pressed into the service of the Confederate States, under appraisement, and said property having been either lost or applied to the service, two hundred thousand dollars.

For the sustenance of prisoners of war, under act No. 181, section 1, and the hire of the necessary prisons, quarters, &c., for the safe-

keeping of the same, or so much thereof as may be necessary, one million dollars.

COMMISSARY DEPARTMENT.—For the purchase of subsistence stores and commissary property, fifty-seven million nine hundred and eighty-eight thousand dollars.

ORDNANCE DEPARTMENT.—For the ordnance service in all its branches, twenty-three million dollars.

For the niter and mining service, nine million five hundred thousand dollars.

ENGINEER DEPARTMENT.—For engineer service, ten million dollars.

MEDICAL DEPARTMENT.—For pay of physicians employed by contract, two hundred thousand dollars.

For pay of nurses and cooks not enlisted or volunteers, three hundred and fifty thousand dollars.

For pay of hospital laundresses, one hundred and fifty thousand dollars.

For purchase of medical and hospital supplies, fifteen million four hundred and twenty thousand dollars.

For the establishment and support of military hospitals, two hundred and fifty thousand dollars.

For the pay of hospital stewards, one hundred thousand dollars.

For the pay of matrons, assistant matrons and ward matrons, three hundred and fifty thousand dollars.

* * * * * * *

For loss of slaves which have been impressed by Confederate authorities, or under State laws for the use of the Confederate Government, and while engaged in laboring on the public defenses, have escaped to the enemy, or died, or contracted diseases which have, after their discharge, resulted fatally, three million one hundred and eight thousand dollars.

Approved February 17, 1864.

FEBRUARY 17, 1864.

An act passed in secret session and approved this date "to organize bodies for the capture and destruction of the enemy's property by land or sea and to authorize compensation for the same."

S. 194.—Introduced by Sparrow January 20, 1864. Passed Senate February 3, 1864. Passed House with amendment February 9, 1864. Laid on table in Senate February 10, 1864. Senate concurred in House amendment February 12, 1864. Engrossed and signed February 17, 1864. Approved February 17, 1864.

JOINT RESOLUTION in reference to the adoption and publication of an address to the people of the Confederate States.

Resolved by the Congress of the Confederate States of America, That the address to the people of the Confederate States, prepared and reported by the joint committee of the two Houses, appointed for that purpose at the present session of Congress, be and the same is hereby adopted as an address of the Congress of the Confederate States to the people of said States;* and that forty thousand copies of

*See p. 126.

said address be printed, with the names of the members of this Congress present at the time of its adoption.

Approved February 17, 1864.

JOINT RESOLUTION explanatory of the act entitled "An act to lay taxes for the common defense and carry on the Government," approved the twenty-fourth day of April, eighteen hundred and sixty-three.

Resolved by the Congress of the Confederate States of America, That the daily wages of detailed soldiers and other employés of the Government are not liable to taxation as income, although they may amount in the aggregate to the sum of one thousand dollars per annum.

Approved February 17, 1864.

AN ACT to amend an act entitled "An act to lay taxes for the common defense and carry on the Government of the Confederate States," approved April twenty-fourth, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That an act entitled "An act to lay taxes for the common defense and carry on the Government of the Confederate States," approved April twenty-fourth, eighteen hundred and sixty-three, be, and the same is hereby, amended so as to read as follows:

SECTION 1. That every person engaged, or intending to engage, in any business named in the fourth section of this act, shall, within sixty days after the passage of this act, or at the time of beginning business, and on the first day of January in each year thereafter, register with the district collector, in such form as the Commissioner of Taxes shall prescribe, a true account of the name and residence of each person, firm or corporation engaged or interested in the business, with a statement of the time for which, and the place and manner in which, the same is to be conducted, and of all other facts going to ascertain the amount of tax upon such business, for the past or future, according to the provisions of this act. At the time of such registry, there shall be paid to the collector the specific tax for the year ending on the next thirty-first of December, and such other tax as may be due upon sales or receipts in such business, at the time of such registry, as herein provided; and the collector shall give to the person making such registry a copy thereof, with a receipt for the amount of the tax then paid.

SEC. 2. That any person failing to make the registry, and to pay the tax required by the preceding section, shall, in addition to all other taxes upon his business imposed by this act, pay double the amount of the specific tax on such business, and a like sum for every thirty days of such failure.

SEC. 3. That except where herein otherwise provided, there shall be a separate registry and tax for each business mentioned in the fourth section of this act, and for each place of conducting the same, but no tax shall be required for the mere storage of goods at a place other than the registered place of business. Upon every change in the place of conducting a registered business there shall be a new registry, but no additional tax shall be required. Upon the death of any person conducting a business, registered and taxed as herein

required, or upon the transfer of the business to another, the business shall not be subjected to any additional tax, but there shall be a new registry in the name of the person authorized by law to continue the business.

SEC. 4. That upon each trade, business or occupation hereinafter named, the following taxes shall be levied and paid for the year ending on the thirty-first of December, eighteen hundred and sixty-three, and for each and every year thereafter, viz:

I. Bankers shall pay five hundred dollars. Every person shall be deemed a banker, within the meaning of this act, who keeps a place of business where credits are opened in favor of any person, firm or corporation, by the deposit or collection of money or currency, and by whom the same or any part thereof, shall be paid out or remitted upon the draft, check or order of such creditor; but not to include any bank legally authorized to issue notes as circulation, nor agents for the sale of merchandise for account of producers or manufacturers.

II. Auctioneers shall pay fifty dollars and two and a half per centum on the gross amount of sales made: *Provided, however*, That on all sales at auction of stock or securities for money, the tax shall be one-fourth of one per centum on the gross amount of sales. Every person shall be deemed an auctioneer, within the meaning of this act, whose occupation it is to offer property for sale, to the highest or best bidder, at public outcry. The tax upon the auctioneers shall be deemed a tax upon the personal privilege, to be paid by each individual engaged in the business, and without regard to the place at which the same is conducted. No tax shall be required upon auction sales made for dealers in a business registered and taxed, and at their place of business, upon official sales at auction, made by judicial or executive officers, or by personal representatives, guardians or committees.

III. Wholesale dealers in liquors, of any and every description, including distilled spirits, fermented liquors and wines of all kinds, shall pay two hundred dollars and five per centum on the gross amount of sales made. Every person, other than the distiller or brewer, who shall sell, or offer for sale, any such liquors or wines, in quantities of more than three gallons at one time to the same purchaser, shall be regarded as a wholesale dealer in liquors within the meaning of this act. All persons who shall sell, or offer for sale, any such liquors or wines, in quantities less than three gallons at one time to the same person, shall be regarded as a retail dealer in liquors.

IV. Retail dealers in liquors, including distilled spirits, fermented liquors, and wines of every description, shall pay one hundred dollars and ten per centum on the gross amount of all sales made.

V. Retail dealers, whose quarterly sales shall exceed one hundred dollars, and shall be less than five hundred dollars, shall pay twenty-five dollars and two and a half per centum on the gross amount of sales made; and where quarterly sales exceed five hundred dollars, the specific tax shall be fifty dollars and two and a half per centum on the gross amount of sales made. Every person whose business or occupation it is to sell, or offer to sell, groceries or any goods, wares, merchandise, or other things of foreign or domestic production, in less quantities than a whole original piece or package at one time to the same person (not including wines, spirituous or malt liquors), shall be regarded as a retail dealer under this act: *Provided, however*, That any mechanic who shall sell only the products of the labor of himself and his own family, shall be exempt from this tax.

VI. Wholesale dealers shall pay two hundred dollars and two and a half per centum on the gross amount of all sales made. Every person whose business or occupation it is to sell, or offer to sell, groceries, or any goods, wares or merchandise of foreign or domestic production, by one or more original packages or pieces at one time, to the same purchaser, not including wines, spirituous or malt liquors; and every person whose business it is to sell, or offer to sell, slaves, shall be deemed as a wholesale dealer under this act; but having been registered as a wholesale dealer, such person may also sell as aforesaid as a retailer: *Provided*, That contractors working for and selling their own products exclusively to the Confederate States, to an amount not exceeding five thousand dollars a year, and such dealers as sell exclusively to consumers, and not to others to sell again, shall not be regarded as wholesale, but as retail dealers.

VII. Pawnbrokers shall pay two hundred dollars. Every person whose business or occupation it is to take or receive by way of pledge, favor or exchange, any goods, wares or merchandise of any kind of personal property whatever, for the repayment or security of money lent thereon, shall be deemed a pawnbroker under this act.

VIII. Distillers shall pay two hundred dollars and twenty per centum on the gross amount of all sales made; and also twenty per centum on the value of all liquors distilled for any other person, and the tax on distillers shall be a lien on the still or stills used, and upon the other fixtures and articles for carrying on the business, and shall have priority over all other liens or claims. Every person or copartnership who distills or manufactures spirituous liquors for others, or for sale, shall be deemed a distiller under this act: *Provided, however*, That distillers of fruit, for ninety days or less, shall pay sixty dollars, and also fifty cents per gallon on the first ten gallons, and two dollars per gallon on all spirits distilled beyond that quantity.

IX. Brewers shall pay one hundred dollars and two and a half per centum on the gross amount of sales made. Every person who manufactures fermented liquors, of any name or description for sale, from malt, wholly or in part, shall be deemed a brewer under this act.

X. Hotels, inns, taverns and eating-houses shall be classified and rated according to the yearly rental, or if not rented, according to the estimated value of the house or property occupied, or intended to be occupied, as a hotel, inn, tavern or eating-house, as follows, viz: In cases where the actual or estimated rent shall amount to ten thousand dollars or more, they shall constitute the first class, and pay an annual sum of five hundred dollars. In cases where said rent shall be five thousand, and less than ten thousand dollars, they shall constitute a second class, and pay an annual sum of three hundred dollars. And in cases where said rent shall be two thousand five hundred dollars, and less than five thousand dollars, they shall constitute the third class, and pay an annual sum of two hundred dollars. In cases where said rent shall be one thousand dollars, and less than twenty-five hundred dollars, they shall constitute the fourth class, and pay an annual sum of one hundred dollars. And in cases where said rent shall be less than one thousand dollars, they shall constitute the fifth class, and pay an annual sum of thirty dollars. Every place where food and lodgings, or lodgings only, are provided for travelers, sojourners, or boarders, in view of payment therefor, the income or receipts from which amount to five hundred dollars from that source, shall be regarded a hotel, inn or tavern, under this act.

XI. That every place where food or refreshments of any kind are provided for casual visitors, and sold for consumption therein, and

every boarding-house in which there shall be six boarders or more, shall be deemed an eating-house under this act.

XII. Brokers shall pay two hundred dollars. Any person whose business it is to purchase and sell stocks, coined money, bank notes, or other securities for themselves or others, or who deals in exchanges relating to money, shall be deemed a broker under this act.

XIII. Commercial brokers, or commission merchants, shall pay two hundred dollars and two and a half per centum upon all sales made. Any person or firm, except one registered as a wholesale dealer or a banker, whose business it is, as the agent of others, to purchase or sell goods, or seek orders therefor, in original or unbroken packages, or produce consigned by others than the producers, to manage business matters for the owners of vessels, or for the shippers or consigners of goods, or whose business it is to purchase, rent, hire or sell real estate or negroes, shall be deemed a commercial broker or commission merchant, under this act.

XIV. Tobacconists shall pay fifty dollars and two and a half per centum on the gross amount of sales. Any person whose business it is to sell, at retail, cigars, snuff or tobacco, in any form, shall be deemed a tobacconist under this act; but registered wholesale and retail dealers shall not be taxed as tobacconists.

XV. Theaters shall pay five hundred dollars and five per centum on all receipts, which tax shall be paid by the owner of the building. Every edifice used for the purpose of dramatic representations, plays or performances, and not including halls rented or used occasionally for concerts or theatrical representations, shall be regarded as a theater under this act. Each circus shall pay one hundred dollars, and a tax of ten dollars for each exhibition; which tax shall be paid by the manager thereof. Every building, tent, or space, or area, where feats of horsemanship or acrobatic sports are exhibited, shall be regarded as a circus under this act. Jugglers, and other persons exhibiting shows, shall pay fifty dollars. Every person who performs by sleight of hand shall be regarded as a juggler under this act: *Provided*, That no registry made in one State shall be held to authorize exhibitions in another State, and but one registry shall be required under this act to authorize exhibitions in any one State.

XVI. Bowling-alleys and billiard-rooms shall pay forty dollars for each alley or billiard-table registered, which tax shall be paid by the owner thereof. Every place or building where bowls are thrown, or billiards played, and open to the public with or without price, shall be regarded as a bowling-alley or billiard-room, respectively, under this act.

XVII. Livery stable keepers shall pay fifty dollars. Any person whose occupation or business it is to keep horses for hire or to let shall be regarded as a livery stable keeper under this act.

XVIII. Cattle brokers shall pay the sum of fifty dollars, and two and a half per centum on the gross amount of sales made. Any person whose business it is to buy and sell and deal in cattle, horses, hogs or sheep, shall be considered a cattle broker.

XIX. Butchers and bakers shall pay the sum of fifty dollars and one per centum on the gross amount of the sales made. Any person whose business it is to butcher and sell, or offer for sale in open market, or otherwise, the flesh of cattle, hogs or sheep, shall be deemed a butcher under this act; and any person whose business it is to bake and sell, or offer for sale, bread, shall be deemed a baker under this act.

XX. Peddlers shall pay fifty dollars and two and a half per cent. on the gross sales. Any person, except persons engaged in peddling exclusively periodicals, books, newspapers (published in the Confederate States), bibles, or religious tracts, who sells or offers to sell at retail, goods, wares or other commodities, traveling with his goods from place to place, in the streets, or through different parts of the country, shall be deemed a peddler under this act: *Provided*, That any peddler who sells or offers to sell dry goods, foreign or domestic, by one or more original pieces or packages at one time, and to the same person or persons as aforesaid, shall pay one hundred dollars and two and a half per cent. on the gross sales; and any person who peddles jewelry shall pay fifty dollars and two and a half per centum on the gross sales. The tax upon peddlers shall be deemed a tax on the personal privilege, to be paid by each individual engaged in the business, without regard to the place at which the same is conducted.

XXI. Apothecaries shall pay fifty dollars and two and a half per centum on the gross amount of sales made. Every person who keeps a shop or building where medicines are compounded or prepared according to prescriptions of physicians, and sold, shall be regarded as an apothecary under this act.

XXII. Photographers shall pay the sum of fifty dollars and two and a half per centum on the gross amount of sales made. Any person or persons who make for sale photographs, ambrotypes, daguerreotypes or pictures on glass, metal, paper or other material, by the action of light, shall be regarded a photographer under this act.

XXIII. Lawyers, actually engaged in practice, shall pay fifty dollars. Every person whose business it is, for fee or reward, to prosecute or defend causes in any court of record, or other judicial tribunal of the Confederate States, or of any State, or give advice in relation to causes or matters pending therein, shall be deemed a lawyer within the meaning of this act.

XXIV. Physicians, surgeons and dentists, actually engaged in the practice, shall pay fifty dollars. Every person whose business it is, for fee or reward, to prescribe remedies or perform surgical operations for the cure of any bodily disease or ailing, shall be deemed a physician, surgeon or dentist, within the meaning of this act, as the case may be; and the provisions of paragraph number twenty-one shall not extend to physicians who keep on hand medicines solely for the purpose of making up their own prescriptions for their own patients. The tax upon lawyers, physicians, surgeons and dentists, shall be deemed a tax upon the personal privilege, to be paid by each individual in the business and without regard to the place at which the same is conducted: *Provided*, That the provisions of this act shall not apply to physicians and surgeons exclusively engaged in the Confederate service.

XXV. Confectioners shall pay fifty dollars and two and a half per centum on the gross amount of sales. Every person who sells at retail, confectionery, sweet-meats, comfits or other confects, in any building, shall be regarded as a confectioner under this act.

SEC. 5. That every person registered and taxed upon the gross amount of sales as aforesaid, shall be required on the first day of July, eighteen hundred and sixty-three, to make a list or return to the assessor of the district, of the gross amount of such sales as aforesaid, viz: from the passage of this act to the thirtieth day of

June, eighteen hundred and sixty-three, inclusive, and at the end of every three months, or within twenty days thereafter, after the said first day of July, eighteen hundred and sixty-three, make a list or return to the assessor of the district of the gross amount of such sales made as aforesaid, with the amount of tax which has accrued or should accrue thereon, which list shall have annexed thereto a declaration under oath or affirmation, in form or manner as may be prescribed by the commissioner of taxes, that the same is true and correct, and shall, within such time as the collector may designate, by public notice, (which time shall not be less than ten nor more than thirty days from the date of such notice), pay to the collector the amount of tax thereupon, as aforesaid, and in default thereof, shall pay a penalty in double the amount of the tax.

SEC. 6. That upon the salaries of all salaried persons, serving in any capacity whatever, except upon the salaries of persons in the military or naval service, there shall be levied and collected a tax of one per centum on the gross amount of such salary, when not exceeding fifteen hundred dollars, and two per centum upon any excess over that amount, to be levied and collected at the end of each year, in the manner prescribed for other taxes enumerated in this act: *Provided*, That no taxes shall be imposed by virtue of this act on the salary of any person receiving a salary not exceeding one thousand dollars per annum, or at a like rate for another period of time longer or shorter.

SEC. 7. That the Secretary of the Treasury shall cause to be assessed and ascertained, on the first day of January next, or as soon thereafter as practicable, the income and profits derived by each person, joint stock company and corporation, from every occupation, employment or business, whether registered or not, in which they may have been engaged, and from every investment of labor, skill, property or money, and the income and profits derived from any source whatever, except salaries, during the calendar year preceding the said first day of January next; and the said income and profits shall be ascertained, assessed and taxed in the manner hereinafter prescribed:

I. If the income be derived from the rent of houses, lands, tenements, manufacturing or mining establishments, fixtures and machinery, mills, springs of salt or oil, or veins of coal, iron or other minerals, there shall be deducted from the gross amount of the annual rent a sum sufficient for the necessary annual repairs, not exceeding ten per centum on said rent, except that the rent derived from houses shall be subject to a deduction not exceeding five per centum for annual repairs.

II. If the income be derived from any manufacturing or mining business, there shall be deducted from the gross value of the products of the year—first, the rent of the establishment and fixtures, if actually rented and not owned by the persons prosecuting the business; second, the cost of the labor actually hired and paid for; third, the actual cost of the raw material purchased and manufactured; fourth, if the income be derived from the production of pig metal or bloom iron, from the ore, there shall be deducted the cost of labor, food and necessary repairs.

III. If the income be derived from navigating enterprises, there shall be deducted from the gross earnings, including the value of freights on goods shipped by the person running the vessel, the hire

of the boat or vessel, if not owned by the person running the same, or if owned by him, a reasonable allowance for the wear and tear of the same, not exceeding ten per centum per annum, and also the cost of running the boat or vessel.

IV. If the income be derived by the tax-payer from boat or ship building, there shall be deducted from the gross receipts of his occupation, including the value of the boat or ship when finished, if built for himself, the cost of the labor actually hired and paid by himself, and the prime cost of the materials, if purchased by him.

V. If the income be derived by the tax-payer from the sale of merchandise or any other property, real or personal, there shall be deducted from the gross amount of sales the prime cost of the property sold, including the cost of transportation, salaries of clerks actually paid and the rent of the buildings employed in the business, if hired and not owned by himself.

VI. If the income be derived by the tax-payer from any other occupation, profession, employment or business, there shall be deducted from the gross amount of fees, compensation, profits, earnings or commissions, the salaries of clerks actually paid, and the rent of the office or other building used in the business, if hired and not owned by himself, the cost of labor actually paid, and not owned by himself, and the cost of material other than machinery purchased for the use of his business, or to be converted into some other form in the course of his business, and in the case of mutual insurance companies the amount of losses paid by them during the year. The income derived from all other sources shall be subject to no deduction whatever, nor shall foreigners be subject to a tax upon any other income than that derived from property owned, or occupations or employments pursued by them within the Confederate States; and in estimating incomes there shall be included the interest, dividends, profits or other proceeds of money or credits of every description, on which such interest, dividends, profits or other proceeds shall have accrued for the year, whether received or not, and the value of the estimated annual rental of all dwelling-houses, buildings or building-lots in cities, towns or villages, occupied by the owners, or owned and not occupied or hired, and the value of the estimated annual hire of all slaves, not engaged on plantations or farms, and not employed in some business or occupations, the profits of which are taxed as income under this act. When the income shall be thus ascertained, all of those which do not exceed five hundred dollars per annum, shall be exempt from taxation. On all incomes received during the year over five hundred dollars and not exceeding fifteen hundred dollars, a tax of five per cent. shall be paid. On all incomes over fifteen hundred dollars, and less than three thousand dollars, five per cent. shall be paid on the first fifteen hundred dollars and ten per cent. on all excess. On all incomes of or over three thousand dollars and less than five thousand dollars, a tax of ten per cent. shall be paid. On all incomes of (or) over five thousand dollars, and less than ten thousand dollars, a tax of twelve and a half per cent. shall be paid; and on all incomes of (or) over ten thousand dollars, a tax of fifteen per cent. shall be paid. All joint stock companies and corporations shall reserve one-tenth of the annual earnings set apart for dividend and reserve fund, to be paid to the collector of the Confederate tax, and the dividend then paid to the stockholder shall not be estimated as a part of his income for the purposes of this act. All persons shall give in an estimate of their income and profits derived from any other source whatever, and in so doing shall first

state the gross amount of their receipts as individuals or members of a firm or partnership, and also state particularly each item for which a deduction is to be made and the amount to be deducted for it: *Provided*, That the incomes and profits upon which the above tax is to be imposed, shall not be deemed to include the products of lands, which are taxed in kind as hereinafter described: *Provided further*, That in case the annual earnings of said joint stock companies and corporations set apart as aforesaid, shall give a profit of more than ten and less than twenty per cent. upon their capital stock paid in, one-eighth of said sum so set apart shall be paid as a tax to the collector aforesaid, and in case said sum so set apart shall give a profit of more than twenty per cent. on their capital stock paid in, one-sixth thereof shall be reserved and paid as aforesaid. The tax levied in this section shall be paid on the first day of January next, and on the first day of January of each year thereafter.

SEC. 8. That if the assessor shall be dissatisfied with the statement or estimate of incomes and profits derived from any source whatever, other than products in kind, which the tax-payer is required to render, or with any deduction claimed by said tax-payer, he shall select one disinterested citizen of the vicinage as a referee, and the tax-payer shall select another, and the two thus selected shall call in a third, who shall investigate and determine the facts in reference to said estimates and deductions, and fix the amount on income and profits on which the tax-payer shall be assessed, and a certificate, signed by a majority of the referees, shall be conclusive as to the amount of income and profits on which the tax-payer shall be assessed: *Provided*, That if any person shall fail or refuse to render the statement or estimate aforesaid, or shall fail or refuse to select a referee as aforesaid, the assessor shall select three referees, who shall fix the amount of income and profits on which the tax-payer shall be assessed, from the best evidence they can obtain, and a certificate signed by a majority of said referees, shall be conclusive on the tax-payer: *And provided further*, That in any case submitted to referees, if they, or a majority of them, shall find and certify that the statement or estimate of income and profits rendered by the tax-payer does not contain more than four-fifths of the true and real amount of his taxable income and profits, then the tax-payer, in addition to the income tax on the true amount of his income and profits, ascertained and assessed by the referees, shall pay ten per centum on the amount of said income tax, and the assessor shall be entitled to one-fifth of said additional ten per centum over and above all other fees and allowances: *And provided further*, That the assessor may administer oaths to referees, the tax-payer, and any witness before the referees, in regard to said estimate and any deduction claimed, or any fact in reference thereto, in such form as the Secretary of the Treasury may prescribe.

SEC. 9. On all profits made by any person, partnership or corporation, during the year eighteen hundred and sixty-two, by the purchase within the Confederate States, and sale during the said year, of any flour, corn, bacon, pork, oats, hay, rice, salt, iron or the manufactures of iron, sugar, molasses made of cane, leather, woolen cloths, shoes, boots, blankets and cotton cloths, a tax of ten per centum shall be levied and collected, to be paid on the first day of July next: *Provided*, That the tax imposed by this section shall not apply to purchases and sales made in the due course of the regular retail business, and shall not continue beyond the present year.

SEC. 10. That each farmer and planter in the Confederate States, shall pay and deliver to the Confederate Government, of the products of the present year, one-tenth of the wheat, corn, oats, rye, buckwheat or rice, Irish potatoes, and of the cured hay and fodder; also one-tenth of the sugar, molasses made of cane, or of sorghum, where more than thirty gallons are made, cotton, wool and tobacco; the cotton ginned and packed in some secure manner, and tobacco stripped and packed in boxes; the cotton to be delivered by him on or before the first day of March, and the tobacco on or before the first day of July, next after their production. Each farmer or planter shall deliver to the Confederate Government, for its use, one-tenth of the peas, beans, and ground peas produced and gathered by him during the present year. As soon as each of the aforesaid crops are made ready for market, the tax assessor, in case of disagreement between him and the tax-payer, shall proceed to estimate the same, in the following manner: The assessor and tax-payer shall each select a disinterested freeholder from the vicinage, who may call in a third, in case of a difference of opinion, to settle the matter in dispute; or if the tax-payer neglects or refuses to select one such freeholder, the said assessor shall select two, who shall proceed to assess the crops as herein provided. They shall ascertain the amount of the crops, either by actual measurement or by computing the contents of the rooms or houses in which they are held, when a correct computation is practicable by such a method, and the appraisers shall then estimate, under oath, the quantity and quality of said crops, including what may have been sold or consumed by the producer, prior to said estimate, whether gathered or not, excepting from said estimates such portion of said crops as may be necessary to raise and fatten the hogs of such farmer, planter or grazier for pork: *Provided*, That the following persons shall be exempt from the payment of the tax in kind, imposed by this section, viz:

I. Each head of a family not worth more (than) five hundred dollars.

II. Each head of a family with minor children, not worth more than five hundred dollars for himself, and one hundred dollars for each minor living with him, and five hundred dollars in addition thereto for each minor son he has living or may have lost, or had disabled in the military or naval service.

III. Each officer, soldier or seaman, in the Army or Navy, or who has been discharged therefrom for wounds, and is not worth more than one thousand dollars.

IV. Each widow of any officer, soldier or seaman, who has died in the military or naval service, the widow not worth more than one thousand dollars: *Provided*, That in all cases where the farmer or planter does not produce more than fifty bushels of Irish potatoes, two hundred bushels of corn, or twenty bushels of peas and beans he shall not be subject to the tax in kind on said articles, or either of them; and the forage derived from the corn plant shall, also be exempt in all cases where the corn is not taxed in kind; neither shall any farmer or planter, who does not produce more than ten pounds of wool, or more than fifteen pounds of ginned cotton for each member of the family, be subject to said tax in kind. The tax assessor, after allowing the exemptions authorized in this section, shall assess the value of the portion of said crops to which the Government is entitled, and shall give a written statement of this estimate to the collector, and a copy of the same to the producer. The said producer shall be

required to deliver the wheat, corn, oats, rye, buckwheat, rice, peas, beans, cured hay and fodder, sugar, molasses of cane or sorghum, wool, thus to be paid as a tithe in kind, after they have been estimated as aforesaid, in such form and ordinary marketable condition as may be usual in the section in which they are to be delivered, within thirty days from the date of notice given by the agent of collection that he is ready to receive such produce, (except cotton and tobacco shall be delivered in the manner and at the times hereinbefore provided), at some depot not more than twelve miles from the place of production, and if not delivered by the times and in the order stated, he shall be liable to pay five times the estimated value of the portion aforesaid, to be collected by the tax collector as hereinafter prescribed: *Provided*, That post quartermasters may direct such delivery to be made at any time within five months after the date of said estimates, under the sanction of the penalty aforesaid, and that producers shall be paid the expenses of the transportation of their tithes from the place of production to the place or delivery, at the usual rates of compensation paid by the Government in the State in which the delivery is made. Such delivery, when required to be made of grain in bushels, shall be made in bushels according to the Government standard of weight per bushel: *Provided*, That the Government shall be bound to furnish to the producer sacks for the delivery of such articles of grain as require to be put in sacks for transportation, and shall allow to the producers of molasses the cost of the barrels containing the same. The said estimates shall be conclusive evidence of the amount in money of the tax due by the producer to the Government, and the collector is hereby authorized to proceed to collect the same by issuing a warrant of distress from his office, under his signature, in the nature of a writ of *fieri facias*, and by virtue of the same to seize and sell any personal property on the premises of the tax-payer or elsewhere, belonging to him, or so much thereof as may be necessary for the purpose of paying the tax, and the increase aforesaid and costs; and said sale shall be made in the manner and form, and after the notice required by the laws of the several States, for judicial sales of personal property; and the said warrant of distress may be executed by the tax collector, or any deputy appointed by him for that purpose, and the deputy executing the warrant shall be entitled to the same fees as are allowed in the respective States, to sheriffs executing writs of *fieri facias;* said fees to be paid as cost by the tax-payer: *Provided*, That in all cases where the assessor and tax-payer agree on the assessment of the crops, and the value of the portion thereof to which the Government is entitled, no other assessment shall be necessary; but the estimate agreed on shall be reduced to writing, and signed by the assessor and tax-payer, and have the same force and effect as the assessment and estimate of disinterested freeholders, hereinbefore mentioned; and two copies of such assessment and estimate, thus agreed on and signed as aforesaid, shall be made, and one delivered to the producer, and the other to the collector: *And provided further*, That the assessor is hereby authorized to administer oaths to the tax-payer and to witness in regard to any item of the estimate herein required to be made: *And provided further*, When agricultural produce in kind is paid for taxes, if payment be made by a tenant, who is bound to pay his rent in kind, the tenth part of said rent in kind shall be paid in kind by the tenant to the Government, as and for the tax of the lessor on said rent; and the receipt of the Government officer shall release the lessor from all obligation to

include such rent in kind in his statement of income; and discharge the tenant from so much of his rent to the lessor.

SEC. 11. That every farmer, planter or grazier, or other person who slaughters hogs, shall exhibit to the assessor on or about the first of March, eighteen hundred and sixty-four, an account of all the hogs he may have slaughtered since the passage of this act, and before that time. After the delivery of this estimate to the post quartermaster hereinafter mentioned, by the assessor, the said farmer, planter, grazier, or other person who slaughters hogs shall deliver an equivalent for one-tenth of the same in cured bacon, at the rate of sixty pounds of bacon to the one hundredweight of pork; that on the first of November, eighteen hundred and sixty-three, an estimate shall be made, as hereinbefore provided, of the value of all neat cattle, horses, mules not used in cultivation, and asses owned by each person in the Confederate States, and upon such value the said owner shall be taxed one per centum, to be paid on the first day of January next ensuing. If the grazier, planter or farmer shall have sold beeves since the passage of this act, and prior to the first day of November, the gross proceeds of such sales shall be estimated and taxed as income, after deducting therefrom the money actually paid for the purchase of such beeves, if they have been actually purchased, and the value of the corn or peas consumed by them. The estimate of these items shall be made, in case of disagreement between the assessor and tax-payer, as herein provided in other cases of income tax: *Provided*, That no farmer, planter, grazier, or other person, who shall not slaughter more than two hundred and fifty pounds of net pork during any year, shall be subject to the bacon tithe imposed by this section; and every officer, soldier or seaman, in the military or naval service, or who may have been discharged therefrom on account of wounds, or physical disability, and any widow of such officer, soldier or seaman, or any head of a family, who does not own more than two cows and calves, shall be exempt from the tax imposed by this section on neat cattle.

SEC. 12. That the Secretary of War shall divide the service of the Quartermaster's Department into two branches—one herein denominated post quartermasters, for the collection of the articles paid for taxes in kind, and the other for distribution to the proper points for supplying the Army, and for delivering cotton and tobacco to the agents of the Secretary of the Treasury. The tax assessor shall transfer the estimate of articles due from each person by way of a tax in kind, to the duly authorized post quartermaster, taking from the said quartermaster a receipt, which shall be filed as a voucher with the chief collector in settling his account, and a copy of this receipt shall be furnished by the chief collector to the auditor settling the post quartermaster's account as a charge against him. The post quartermaster receiving the estimate shall collect from the tax-payer the articles which it specifies, and which he is bound to pay and deliver as a tax to the Confederate Government. The post quartermaster shall be liable for the safe custody of the articles placed in his care, and shall account for the same by showing that after proper deductions from unavoidable loss, the residue has been delivered to the distributing agents as evidenced by their receipts. The said post quartermasters shall also state the accounts of the quartermasters receiving from him the articles delivered in payment of taxes in kind at his depot, and make a monthly report of the same to such officer as the Secretary of War may designate: *Provided*, That in case the post

quartermaster shall be unable to collect the tax in kind specified in the estimate delivered to him as aforesaid, he shall deliver to the district tax collector said estimate as a basis for the distress warrant authorized to be issued, and take a receipt therefor, and forward the same to the chief tax collector as a credit in the statement of the accounts of said post quartermaster: *Provided*, That any partial payment of said tax in kind shall be indorsed on said estimate before delivering the same to the district tax collector as aforesaid, and the receipt given to him therefor by the district tax collector, shall specify such partial payment. When the articles thus collected, through the payment of taxes in kind have been received at the depot as aforesaid, they shall be distributed to the agents of the Secretary of the Treasury, if they consist of cotton or tobacco, or if they be suitable for forage or subsistence, to such places and in such manner as the Secretary of War may prescribe. The wool collected under this act shall be retained by the Quartermaster's Department as supplies. Should the Secretary of War find that some of the agricultural produce thus paid in and suitable for forage and subsistence, has been or will be deposited in places where it cannot be used either directly or indirectly for these purposes, he shall cause the same to be sold in such manner as he may prescribe, and the proceeds of such sale shall be paid into the Treasury of the Confederate States. Should, however, the Secretary of War notify the Secretary of the Treasury that it would be impracticable for him to collect or use the articles taxed in kind, or any of them to be received in certain districts or localities, then the Secretary of the Treasury shall proceed to collect in said district or locality the money value of said articles specified in said estimate and not required in kind, and said money value shall be due on the first day of January in each and every year, and be collected as soon thereafter as practicable; and where in districts heretofore, or which may hereafter be ascertained to be so impracticable, quartermasters or commissaries serving with troops in the field, shall have collected or may hereafter collect from producers any portion of their tax in kind, the receipts of such officers shall be held good to the producers against the collection of the money value of their tax, to the extent and value of such portions as may have been or may be hereafter collected. And where assessments in practicable localities have been made and transferred to post quartermasters, and transportation is difficult to be obtained, the supply of grain sacks insufficient, or the amount of produce receivable is too small to justify the expenses of collection, post quartermasters, with approval of their superior officer, shall be authorized to transfer the estimates to district collectors, to be collected in their money value only.

SEC. 13. That the assessors, whose duty it is under said act to estimate the taxes in kind, shall be appointed by the Secretary of War, and their duties shall be the same, and the duties shall be executed in the same manner as prescribed by sections ten, eleven and twelve of this act, in reference to the estimates and assessment of taxes in kind on agricultural products and slaughtered hogs; and there may be one assessor appointed for each practicable tax district, and he shall take the oath as assessor of taxes in kind, prescribed by section five of the act for the assessment and collection of taxes, approved May first, eighteen hundred and sixty-three, which oath shall be delivered to such officer as the Secretary of War may designate. And the assessors of taxes in kind shall be separate and distinct from the assessors of money tax, and shall be subject to the exclusive direction

and control of the War Department, and shall receive the same compensation, for such time as they may be employed, as is allowed to other agents of the Quartermaster's Department.

SEC. 14. That the estimates of incomes and profits, other than those payable in kind, and the statements or bills for the amount of the specific tax on occupations, employments, business and professions, and of taxes on gross sales, shall be delivered by the assessor to the collector of the district, who shall give him a receipt for the same, and the said assessor shall file his receipt with the chief tax collector of the State, and the collector of the district holding said estimates, statements or bills, shall proceed to collect the same from the taxpayer. The money thus collected shall be paid to the chief tax collector of the State, and the estimates, statements or bills aforesaid, shall be arranged by the assessor, and general lists shall be made from them in the same manner and for the same purposes designated by section thirteen of the assessment act.

SEC. 15. That every person who, as trustee, guardian, tutor, curator, or committee, executor or administrator, or as agent, attorney in fact, or factor of any person or persons, whether residing in the Confederate States or not, and every receiver in chancery, clerk, register, or other officer of any court, shall be answerable for the doing of all such acts, matters and things as shall be required to be done in order to the assessment of the money, property, products and income under their control and the payment of taxes thereon, and shall be indemnified against all and every person for all payments on account of taxes herein specified, and shall be responsible for all taxes due from the estates, income, money or property in their possession or under their control.

SEC. 16. The income and moneys of hospitals, asylums, churches, schools and colleges shall be exempt from taxation under the provisions of this act.

SEC. 17. That the Secretary of the Treasury be, and he is hereby, authorized to make all rules and regulations necessary to the operations of this act and not inconsistent herewith.

SEC. 18. This act shall be in force for two years after the expiration of the present year, and the taxes herein imposed for the present year shall be levied and collected each year thereafter in the manner and form herein prescribed, and for the said time of two years, unless this act shall be sooner repealed.

Approved February 17, 1864.

STATE OF GEORGIA, QUARTERMASTER-GENERAL'S OFFICE,
Atlanta, February 17, 1864.

Honorable SECRETARY OF WAR,
Richmond, Va.:

SIR: I have the honor to acknowledge the receipt of my returned communication to you of the 30th ultimo. I respectfully express my thanks for the promptness with which my communication was honored. I am fearful, however, that the indorsement of Quartermaster-General A. R. Lawton will not remove the impediments thrown in the way of my agents by military commanders. I therefore inclose you this indorsement, and beg that you will furnish me such an order as will enable me to secure the supplies which General Lawton expresses a willingness I should collect. It is far from being the intention of

this department to come into competition with officers of the Confederate States. Our only desire is to relieve the necessities of Georgia troops in Confederate service. To this end we are anxious to secure supplies in Florida, which, if not collected by us, may be lost, either through the approach of the enemy or the forgetfulness of our own people. If the order solicited be granted it will assist this department materially in shoeing and clothing those troops from Georgia whose wants may exceed the supplies of the Confederate Quartermaster's Department during the coming autumn and winter, should the necessities of our country then demand their presence on the field.

Pleading, then, the necessities of our suffering troops as an apology for my importunity, and trusting to your usual promptness,

I have the honor to be, very respectfully, your obedient servant,

IRA R. FOSTER,
Quartermaster-General of Georgia.

RICHMOND, VA., *February 17, 1864.*

Governor Z. B. VANCE,
Raleigh, N. C.:

DEAR SIR: I am in receipt of your private letter of the 4th instant informing me that upon reflection you doubt the propriety of publishing in full my letter according to the permission given in answer to your request, and that you propose to have the substance of it published in the Fayetteville Observer.*

You must pardon me for declining to have my correspondence thus changed for presentation to the public. You can use your own discretion as to the publication of my letter as it was written to you. Your letter of the 4th instant was laid on my table with a mass of correspondence and escaped my attention, which fact must form my apology for the delay in this answer.

I remain, very truly and respectfully, yours,

JEFFERSON DAVIS.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 17, 1864.

Hon. J. A. SEDDON,
Secretary of War:

DEAR SIR: You will see by the inclosed letter from J. M. Seixas† the result of my efforts to get back the cotton loaned the Confederate Government and which you ordered to be returned. It amounts practically to a refusal of payment and to a stoppage of my shipments altogether, as it is utterly impossible to get a train to bring cotton from Georgia or anywhere else. If the Confederate Government is determined to impose upon the owners of these steamers the tax of one-third their capacity it seems unreasonable to deprive them of the means of running them altogether. That I have been always anxious to accommodate the General Government in every possible way I think may be safely asserted, but that I have been disinterested in doing so my reward will testify beyond a doubt.

I am, sir, very respectfully,

Z. B. VANCE.

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*See Series I, Vol. LI, Part II, for correspondence between Davis and Vance.
† Not found.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 18, 1864.

Hon. J. A. SEDDON,
Secretary of War:

If the State of North Carolina were to buy a third of the steamers Don and Hansa, would they be released from the existing regulation in regard to carrying cotton for Confederacy? They are already under my control by virtue of the within contract.* What permit is now required for shipping cotton under the recent act of Congress? The steamer Advance has again arrived.

Respectfully, yours,

Z. B. VANCE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 19, 1864.

General R. E. LEE,
Commanding, &c.:

GENERAL: The pressure of business incident to the close of the session of Congress, engrossing every moment of my time, must be my excuse for not having sooner replied to your letter of the 16th instant.† I am happy to concur with you entirely in thinking it advisable to obtain supplies of provisions in exchange for cotton and tobacco, even if portions of the latter are received by the enemy in such transactions. Indeed, I had anticipated your views by instructions to the commissaries to pay for all meat brought to them from the border counties, whether from within the enemy's lines or not, at the option of the parties, in such products. Nor in my anxiety to provide for the Army have I hesitated to make contracts, some of them of large amount, with parties believed to be loyal and yet capable of carrying them out, for the delivery of provisions and other necessary stores to be brought from within the enemy's lines. Some provisions have already been obtained in this way, and strong confidence is felt that the quantity will be largely increased. Full confidence is felt in your own discretion with regard to such arrangements, and you are authorized to make them, if opportunity offers, within your command.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

No. 6A.] No. 48 AVENUE GABRIELLE, PARIS,
February 19, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: My last dispatch was No. 5A, of 12th instant (duplicate of which I inclose). I have also the honor to inclose account current with your Department to 31st of December, with memorandum of payments to Lieutenant-Colonel Rhett;‡ since that date, by which you will perceive I am in advance beyond warrants on hand £108,629⅜=fr. 2,737,442.16, besides the drafts of Maj. R. P. Waller, of which I advised you in my last. Major Huse further owes, besides the sums I have advanced him, the sum of £127,543 12s. 4d. On the

* Omitted. † See Series I, Vol. XXXIII, p. 1180. ‡ Not found.

other hand, Mr. W. G. Crenshaw has a draft on me for £40,000, and there is a balance still unpaid of £35,000 on a warrant for £85,000 held by Maj. J. B. Ferguson.

Inclosed you will also find copy of a letter received yesterday from London from Major Huse, which will show you the present condition of the Isaac, Campbell & Co. accounts. I have no communications direct from Messrs. Ball, Quilter & Co. All these developments only increase my anxiety to hear that you are in possession or control of the £50,000 gold in the Confederacy. I note your remarks and instructions relative to the settlement of the account of Isaac, Campbell & Co., and will endeavor to arrange it as may seem best, with due regard to justice and the credit of the Government, which will be best preserved by avoiding any unnecessary éclat.

With regard to your remarks relative to Major Huse, I am hardly ready at this moment to expressing final opinion, but I deem it due to him to say that although he has made some very serious mistakes, I think there is no good reason to suspect his integrity, and that he has always sought what seemed the best interests of the Government, and has with all his mistakes really been of great service and done great good, and that you should take into consideration the immense labors which he has been compelled to discharge almost singly, and which forced him to place great confidence in some leading house, which was unfortunately, as you surmise, much misplaced in the case of Isaac, Campbell & Co., but I can see no reason to believe there has been any collusion with them. In confirmation of the above views, I inclose you letters from Hon. John Slidell and Emile V. Erlanger, which you will perceive do not agree with the charges of extravagance against him; and I will further add that these opinions are, I believe, concurred in by the leading houses with whom he has dealt, and by the accountants examining his accounts.

With much respect, your obedient servant,

C. J. McRAE,
Agent of the Loan.

[Indorsement.]

APRIL 5, 1864.

To Colonel Bayne for examination and return. How is such indebtedness to be liquidated?

J. A. S.,
Secretary.

[Inclosure No. 1.]

No. 5A.] 48 AVENUE GABRIELLE, PARIS,
February 12, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

I have the honor to acknowledge the receipt of your dispatch of the 29th of December inclosing copy of the one of the 26th of September. Of the contents of the latter I had been fully informed before I wrote you on the 18th of December.

I am also in receipt of a letter from the Quartermaster-General, A. R. Lawton, approved by you, of the 17th of December, informing me that Maj. R. P. Waller, the purchasing officer of the Quartermaster's Department at Nassau, has been authorized to draw on me at sixty and ninety days' sight for £20,000. With these letters came one from Major Waller, advising that he had drawn for £11,436 18s.

1d., and that he would soon draw for the balance. Drafts for £6,648 9s. 7d. have already appeared. My dispatches to you of the 27th of November and 18th of December, Nos. 3 and 4 of series A, have fully informed you that there is no money in my hands for you or any other department of the Government. The fact is that the loan account has already been overdrawn by over £200,000, but as the warrants in excess are in the hands of our own officers or people, to wit, Major Huse, Captain Bulloch, Major Ferguson, and Captain Crenshaw, our credit does not suffer except as it is injured by these officers not being able to meet their engagements. This, however, is not the case with the drafts of Major Waller, which have passed into the hands of third parties, and I have concluded to accept them, although I do not see clearly where I am to get the money to meet them. I inclose a copy of a letter which I have to-day written to Major Waller, which I hope will meet with your approval.

I note what you say about the account of Major Huse and Messrs. S. Isaac, Campbell & Co. On the 22d ultimo Mr. Bloodgood and myself wrote you on that subject. To-day we are informed by Major Huse that S. Isaac, Campbell & Co. have presented a new account, but as neither of us have seen it, and Messrs. Quilter, Ball & Co. have not reported on it, we can give you no further information, and judging from the tenor of your letter I do not suppose you care to be troubled with the matter until we are prepared to make a final report. It is quite evident that the house expected to make larger profits by their connection with our Government, and many of their accounts will not stand a strict scrutiny; but as the Government seems disposed to connect all its operations for procuring supplies with private enterprise, we shall gain nothing by having broken with that firm. The fable of the fox and the flies is as true now as it was in days of Æsop.

If some such policy as was recommended in my dispatch of the 7th of October had been adopted I could have obtained as many boats as might have been desired to run on Government account alone. I shall write you more fully on this subject by the Bermuda mail, which leaves this day week.

With much respect, your obedient servant,

C. J. McRAE,
Agent, &c.

[Sub-inclosure.]

48 Avenue Gabrielle, Paris,
February 12, 1864.

Maj. Richard P. Waller, C. S. Army,
Nassau, New Providence:

Sir: I am receipt of your letter of the 16th ultimo, advising me that you had been authorized by the Quartermaster-General, approved by the Secretary of War, to draw on me at Paris for £10,000 at sixty days, and £10,000 at ninety days. I am also in receipt of a letter from the Quartermaster-General, approved by the Secretary of War, informing me that such authority had been given to you, and asking me to meet your drafts from any funds of the War Department at my command. There are no funds of the War Department at my command, and I regret that you drew the drafts without consulting me. When the Secretary of War authorized you to draw on me I suppose he was under the impression that the proceeds of all cotton shipped to Messrs. Fraser, Trenholm & Co. on account of the various bureaus

of his Department would be subject to my control. Owing, however, to the want of proper instructions Messrs. Fraser, Trenholm & Co. do not feel authorized to transfer the funds of the Department from one bureau to another on my order; besides, these gentlemen inform me that the proceeds of all cotton received by them on account of the War Department are always anticipated by drafts from yourself and the other purchasing officers at Nassau and Bermuda.

You will thus see the dilemma in which I am placed by the appearance of your drafts. To refuse them would entirely destroy your credit at Nassau, and to accept them without knowing where the money is to be had to meet them would have quite as fatal an effect here and in England, where our credit again begins to look up. I shall, however, take the latter risk, and accept the bills you have already drawn, provided they do not exceed £20,000; but you must not on any account draw again unless I should advise you that I am in funds, as it would only result in having your bills dishonored. When the Secretary of War gave you authority to draw on me he was under the entire misapprehension as to the state of our finances in Europe. Of the drafts advised of in your letter of the 16th of January the following have been presented and will be accepted:

	£	s.	d.	£	s.	d.
Sixty days drafts in favor of—						
B. Whitworth & Bro	400	0	0			
Jerney & Mueller	1,600	0	0			
Bowman, Tettler & Co	1,600	0	0			
				3,600	0	0
Ninety days:						
W. B. Sterrett, esq	1,062	10	0			
Jerney & Mueller	1,510	19	7			
R. Hagedorn, esq	475	0	0			
				3,048	9	7
				6,648	9	7

Two other drafts of £250 each, dated 14th of January, in favor of H. W. Goldning, esq., and Messrs. Servine, Morris & Co. (Nos. 265 and 269), have been presented, which are not advised of in your letter; consequently they will not be accepted until I have further advice from you. In all instances when you draw on me advise me of the same.

With much respect, your obedient servant,

C. J. McRAE,
Agent, &c.

[Inclosure No. 2.]

3 Morgate Street, E. C., London,
February 17, 1864.

Gentlemen: Major Huse desires me to say that the new accounts have been received from Messrs. Isaac, Campbell & Co., but they appear to be entirely unsatisfactory. While some corrections have been properly made the accounts are deficient in many respects; the matter of commissions is sought to be evaded by deducting them.

Major Huse has handed the papers to Messrs. Quilter, Ball & Co. to elicit their opinion before submitting them to you. They will throw some important light on the accounts as originally rendered.

I am, gentlemen, very respectfully, your obedient servant,

COLIN McKINSIE.

[Inclosure No. 3.]

PARIS, *February 14, 1864.*

Hon. C. J. MCRAE:

MY DEAR SIR: I cheerfully comply with your request to state what I know of Major Huse in connection with certain rumors respecting his mode of living, &c. I have seen much of Major Huse since I have been in Europe, and everything that I have seen has impressed me most favorably in his behalf. He lives with great simplicity and economy in the suburbs of Paris, occupying a house belonging to Messrs. Erlanger & Co., for which I have always understood that he pays no rent. He has always seemed to me to be animated by an anxious desire to perform most scrupulously and consistently the duties intrusted to him.

Very truly, yours,

JOHN SLIDELL.

[Inclosure No. 4.]

PARIS, *February 13, 1864.*

C. J. MCRAE, Esq.,
48 Avenue Gabrielle, Paris:

DEAR SIR: In the correspondence published in the New York Herald, and attributed to Mr. Charles Lamar, I read that Major Huse is said "to have received from his English friends a country house at Auteuil, near Paris, where he lives in great style." Now, I think it my duty to inform you that the country house where Major Huse lives is mine; that I am the owner of several country houses in Auteuil which I do not like to let, and that I have offered Major Huse and Colonel Bulloch the use of one of these houses, which is furnished, during their stay in Paris and as long as I should not want the house myself. I am not called to express any opinion on the character of Major Huse, but I will say so much that, when in our early negotiations about the loan we desired Major Huse to take out the proposition for the Confederate States (which he was willing to do), and offered him for the danger he would be exposed to by running the blockade a compensation, he declined it, saying that in his capacity as a Confederate officer he thought he had no right to accept it.

A man's character is easily stained by false assertions, and I think it a duty to establish truth whenever to my knowledge false statements have been made.

Believe me, dear sir, very truly, yours,

EMILE V. ERLANGER.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, February 20, 1864.

General R. E. LEE,
Commanding, &c.:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 16th [15th] instant,* mentioning the measures you deem it expedient to adopt for the return of men who may be unnecessarily absent from your army. I should be gratified to have such examination made as you suggest to determine how far detailed or disabled

* See Series I, Vol. XXXIII, p. 1173.

men may be returned. The commission named by you will receive the sanction of the Department, and its authority will be given to the measures you propose. The Adjutant-General will be directed to issue the proper orders.

Your suggestion, made by letter of the same date, to break up certain of the smaller hospitals in Virginia has been referred to the Surgeon-General for consideration and report. I am inclined to think, from my personal knowledge, that the hospital at Huguenot Springs, from its vicinity to Richmond and the advantages it affords, had best be continued. In respect to the others, my impression inclines to concur with you.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 21. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 20, 1864.*

The following act of Congress is published for the information of the Army:

AN ACT to reduce the currency and to authorize a new issue of notes and bonds.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the holders of all Treasury notes above the denomination of five dollars, not bearing interest, shall be allowed until the first day of April, 1864, east of the Mississippi River, and until the 1st day of July, 1864, west of the Mississippi River, to fund the same, and until the periods and at the places stated the holders of all such Treasury notes shall be allowed to fund the same in registered bonds payable twenty years after their date, bearing interest at the rate of four per cent. per annum, payable on the 1st day of January and July of each year.

SEC. 2. The Secretary of the Treasury is hereby authorized to issue the bonds required for the funding provided for in the preceding section; and until the bonds can be prepared, he may issue certificates to answer the purpose. Such bonds and certificates shall be receivable, without interest, in payment of all Government dues payable in the year 1864, except export and import duties.

SEC. 3. That all Treasury notes of the denomination of one hundred dollars not bearing interest, which shall not be presented for funding under the provisions of the first section of this act, shall, from and after the first day of April, 1864, east of the Mississippi River, and the first day of July, 1864, west of the Mississippi River, cease to be receivable in the payment of public dues, and said notes, if not so presented at that time, shall, in addition to the tax of thirty-three and one-third cents imposed in the fourth section of this act, be subject to a tax of ten per cent. per month until so presented; which taxes shall attach to said notes wherever circulated, and shall be deducted from the face of said notes whenever presented for payment or for funding, and said notes shall not be exchangeable for the new issue of Treasury notes provided for in this act.

SEC. 4. That on all said Treasury notes not funded or used in payment of taxes at the dates and places prescribed in the first section of this act, there shall be levied at said dates and places a tax of thirty-three and one-third cents for every dollar promised on the face of said notes. Said tax shall attach to said notes wherever circulated, and shall be collected by deducting the same at the Treasury, its depositories, and by the tax collectors, and by all Government officers receiving the same, whenever presented for payment or for funding, or in payment of Government dues, or for postage, or in exchange for new notes as hereinafter provided, and said Treasury notes shall be fundable in bonds, as provided in the first section of this act, until the 1st day of January, 1865, at the rate of sixty-six and two-thirds cents on the dollar, and it shall be the duty of the Secretary of the Treasury, at any time between the 1st of April, east, and the 1st of July, 1864, west of the Mississippi River, and the 1st of January, 1865, to substitute and exchange new Treasury notes for the same, at the rate of sixty-six and two-thirds cents on the dollar: *Provided*, That notes of the denomination of one hundred dollars shall not be entitled to the privilege of said exchange: *Provided*

further, That the right to fund any of said Treasury notes after first day of January, 1865, is hereby taken away: *And provided further*, That upon all such Treasury notes which may remain outstanding on the first day of January, 1865, and which may not be exchanged for new Treasury notes, as herein provided, a tax of one hundred per cent. is hereby imposed.

SEC. 5. That after the first day of April next all authority heretofore given to the Secretary of the Treasury to issue Treasury notes shall be, and [the same] is hereby, revoked: *Provided*, The Secretary of the Treasury may, after that time, issue new Treasury notes, in such form as he may prescribe, payable two years after the ratification of a treaty of peace with the United States, said new issues to be receivable in payment of all public dues except export and import duties, and to be issued in exchange for old notes at the rate of two dollars of the new for three dollars of the old issues, whether said old notes be surrendered for exchange by the holders thereof or be received into the Treasury under the provisions of this act; and the holders of the new notes or of the old notes, except those of the denomination of one hundred dollars after they are reduced to sixty-six and two-thirds cents on the dollar by the tax aforesaid, may convert the same into call certificates, bearing interest at the rate of four per cent. per annum, and payable two years after the ratification of a treaty of peace with the United States, unless sooner converted into new notes.

SEC. 6. That to pay the expenses of the Government not otherwise provided for, the Secretary of the Treasury is hereby authorized to issue six per cent. bonds, to an amount not exceeding five hundred millions of dollars, the principal and interest whereof shall be free from taxation; and for the payment of the interest thereon the entire net receipts of any export duty hereafter laid on the value of all cotton, tobacco, and naval stores, which shall be exported from the Confederate States, and the net proceeds of the import duties now laid, or so much thereof as may be necessary to pay annually the interest, are hereby specially pledged: *Provided*, That the duties now laid upon imports and hereby pledged shall hereafter be paid in specie, or in sterling exchange, or in the coupons of said bonds.

SEC. 7. That the Secretary of the Treasury is hereby authorized from time to time, as the wants of the Treasury may require it, to sell or hypothecate for Treasury notes said bonds or any part thereof, upon the best terms he can, so as to meet appropriations by Congress and at the same time reduce and restrict the amount of the circulation in Treasury notes within reasonable and safe limits.

SEC. 8. The bonds authorized by the sixth section of this act may be either registered or coupon bonds, as the parties taking them may elect, and they may be exchanged for each other under such regulations as the Secretary of the Treasury may prescribe. They shall be for one hundred dollars, or some multiple of one hundred dollars, and shall, together with the coupons thereto attached, be in such form and of such authentication as the Secretary of the Treasury may prescribe. The interest shall be payable half yearly, on the first of January and July in each year—the principal shall be payable not less than thirty years from their date.

SEC. 9. All call certificates shall be fundable and shall be taxed in all respects, as is provided for the Treasury notes, into which they are convertible. If not converted before the time fixed for taxing the Treasury notes such certificates shall from that time bear interest upon only sixty-six and two-thirds cents for every dollar promised upon their face and shall be redeemable only in new Treasury notes at that rate, but after the passage of this act no call certificates shall be issued until after the first day of April, 1864.

SEC. 10. That if any bank of deposit shall give its depositors the bonds authorized by the 1st section of this act in exchange for their deposits and specify the same on the bonds by some distinctive mark or token, to be agreed upon with the Secretary of the Treasury, then the said depositor shall be entitled to receive the amount of said bonds in Treasury notes bearing no interest and outstanding at the passage of this act: *Provided*, The said bonds are presented before the privilege of funding said notes at par shall cease, as herein prescribed.

SEC. 11. That all Treasury notes heretofore issued of the denomination of five dollars shall continue to be receivable in payment of public dues, as provided by law, and fundable at par under the provisions of this act, until the 1st day of July, 1864, east, and until the 1st day of October, 1864, west of the Mississippi River, but after that time they shall be subject to a tax of thirty-three and one-third cents on every dollar promised on the face thereof, said tax to attach to said notes wherever circulated, and said notes to be fundable and exchangeable for new Treasury notes, as herein provided, subject to the deduction of said tax.

SEC. 12. That any State holding Treasury notes, received before the times herein fixed for taxing said notes, shall be allowed until the 1st day of January, 1865, to fund the same in six per cent. bonds of the Confederate States, payable twenty years after date, and the interest payable semi-annually. But all Treasury notes received by any State after the time fixed for taxing the same, as aforesaid, shall be held to have been received diminished by the amount of said tax. The discrimination between the notes subject to the tax and those not so subject shall be left to the good faith of each State and the certificate of the Governor thereof shall in each case be conclusive.

SEC. 13. That Treasury notes heretofore issued, bearing interest at the rate of seven dollars and thirty cents on the hundred dollars per annum, shall no longer be received in payment of public dues, but shall be deemed and considered bonds of the Confederate States, payable two years after a ratification of a treaty of peace with the United States, bearing the rate of interest specified on their face, payable on the first day of January in each and every year.

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized, in case the exigencies of the Government should require it, to pay the demand of any public creditor whose debt may be contracted after the passage of this act, willing to receive the same in a certificate of indebtedness to be issued by said Secretary, in such form as he may deem proper, payable two years after a ratification of a treaty of peace with the United States, bearing interest at the rate of six per cent. per annum, payable semi-annually and transferable only by special indorsement under regulations to be prescribed by the Secretary of the Treasury, and said certificate shall be exempt from taxation in principal and interest.

SEC. 15. The Secretary of the Treasury is authorized to increase the number of depositories so as to meet the requirements of this act, and with that view to employ such of the banks of the several States as he may deem expedient.

SEC. 16. The Secretary of the Treasury shall forthwith advertise this act in such newspapers published in the several States and by such other means as shall secure immediate publicity, and the Secretary of War and the Secretary of the Navy shall each cause it to be published in general orders for the information of the Army and Navy.

SEC. 17. The forty-second section of the act for the assessment and collection of taxes, approved May 1st, 1863, is hereby repealed.

SEC. 18. The Secretary of the Treasury is hereby authorized and required, upon the application of the holder of any call certificate—which by the first section of the act "to provide for the funding and further issue of Treasury notes," approved March 23d, 1863, was required to be "thereafter deemed to be a bond"—to issue to such holder a bond therefor upon the terms provided by said act.

Approved February 17, 1864.

By order:

S. COOPER,
Adjutant and Inspector General.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, February 20, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: The Hon. A. P. Aldrich, speaker of the House of Representatives and chief of my staff, comes to you possessed of my views, and fully authorized to represent me in reference to the interest of the State in the Bee ships. After the receipt of your letter of the 5th instant, in which you say "that any vessel engaged by the State and carrying out for it the amount of cotton required by others to be carried out for the Department would not be interfered with or restrained," I am surprised that the Secretary of the Navy should be allowed to take the State's interest in the Alice, and that he now claims the one-third in the Fannie, just arrived. I am informed, moreover, that the States of North Carolina and Virginia have similar interests which are not interfered with. There may be some misapprehension

on this point, and I trust it is not correct that such distinction is made. This is a matter of such interest to the people of the State, and heretofore in the field, that I feel it my duty to send in a special representative to confer with you upon it.

I am, sir, very respectfully, your obedient servant,

M. L. BONHAM.

Whereas, in view of the pressing importance of making extraordinary efforts to produce as large crops as possible the present year; and whereas, the recent requisition by the Confederate authorities for slave labor to work on fortifications will, if carried out, interfere seriously with the farming productions of the State: Therefore, be it

Resolved by the General Assembly, That the Governor of this State be respectfully requested to confer with the authorities of the Confederate States and urge upon them the necessity, in the present emergency, of releasing the slaves from said requisition, if in the judgment of the Confederate authorities this release may be granted consistently with the necessities of the military situation.

A copy from the rolls.

Teste.

WM. F. GORDON, JR.,
Clerk of the House of Delegates and Keeper of Records.

[Indorsement.]

FEBRUARY 20, 1864.

His Excellency Governor SMITH:

It is with regret that I feel constrained not to defer to the expression of desire on the part of the General Assembly to which such deference is justly due. But the importance of completing the works for the defense of the Capital of the State and the Confederacy is great, and events of constant occurrence demonstrate that rather on the completeness and sufficiency of such defenses than on the number of troops which the exigencies of the service will allow to be retained here, must the safety of the city depend. The present, too, is believed to be the season of the year when most conveniently and with least sacrifice to the planting interests can slaves be spared. At this time the important work is that merely of preparation, of plowing and repairing fences and the like, which require few hands. Later, when the planting season commences, the laboring slaves are much more needed, and it has been the effort and desire of the Department so to arrange its calls as to liberate most or all the laborers by that more important season. In view of the whole case, it is hoped that the opinion of the Department to persist in the call will not be deemed either unreasonable or productive of just complaint.

J. A. SEDDON,
Secretary of War.

[FEBRUARY 20, 1864.—For correspondence between Polk and Watts, in relation to Alabama troops to support the Confederate forces, see Series I, Vol. XXXII, Part II, pp. 782, 783.]

[FEBRUARY 21, 1864.—For Beauregard to Cooper, with reference to recruiting and conscription, and inclosing correspondence and orders relating thereto, see Series I, Vol. XXXV, Part I, pp. 623–632.]

GENERAL ORDERS, No. 22. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 23, 1864.*

I. Clause 3, paragraph II, General Orders, No. 75, 1863, is amended by adding after the words "as clerks" the words "or detailed men."

II. Clause 3, paragraph II, General Orders, No. 7, current series, is amended as follows: Persons liable to military service may volunteer in or be assigned to any company of artillery in service on the 16th of April, 1862, having less than eighty-four men upon the rolls.

III. Non-commissioned officers, musicians, and privates detached from their commands, by furlough or detail, for a longer period than thirty days, will be furnished by company commanders with but one descriptive list, upon which the soldier's account with the Government (pay, clothing, and commutation for furlough, under the act of Congress, February 7, 1863) will be stated. Soldiers in hospitals, not furnished with descriptive lists by company commanders when furloughed, will have such lists provided by the surgeon in charge.

Payments made will be indorsed on the descriptive lists, which will be returned to the soldier, and transportation furnished in kind under the act cited will be indorsed on the descriptive list and also on the furlough.

When the soldier rejoins his command the descriptive list will be returned to the company commander, who will, after recording the payments made, destroy it.

Quartermasters are prohibited from paying soldiers absent, as set forth in this order, from their commands, except in the manner herein ordered.

IV. Persons not liable to conscription who may wish to volunteer may be enrolled as volunteers, and receive transportation to the company they select. The enrollment will be communicated by the enrolling officer in each instance to the company commander.

V. Soldiers who furnish an able-bodied recruit, who is mustered into service under the provisions of the preceding paragraph, are entitled, when on furlough, to transportation home and back.

VI. The provisions of paragraph V, General Orders, No. 31, 1863, are held to apply to non-commissioned officers and privates entitled to furlough under act of Congress approved February 7, 1863. Re-elected officers are not allowed transportation, or commutation in lieu thereof, under any of the acts providing furloughs, bounty, and transportation to persons re-enlisted or mustered into the service.

In each case the commutation allowed in lieu of furlough will be paid by the quartermaster of the command to which the soldier belongs, and by no other quartermaster.

VII. Chaplains may receive the rations in kind allowed them by law, or commute them at the Government price.

VIII. The following is published for the information of the Army:

AN ACT to provide for retiring officers of the Army.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby authorized, upon the recommendation of any general commanding a department or an army, to discharge from service any officer of the Confederate States Army, or of the Provisional Army of the Confederate States, who has no command and cannot be assigned to any appropriate duty, or who is incompetent or inefficient, or who may be absent from his command or duty without leave: *Provided*, That any officer who may be discharged for incompetency, inefficiency, or absence from his command or duty without leave, shall be entitled to a trial before an examining board, under existing laws, if he demands it of the commanding general within thirty days: *Provided further*, That it shall not extend to any officer who is absent on account of his captivity.

Approved February 17, 1864.

IX. All officers, whether of Regular or Provisional Army, absent from their commands and not on duty, as well as those who are without assignment to duty by competent authority, will report their address by letter to this office, stating the circumstances of their absence from duty; and if unassigned, when and where last on duty.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 23, 1864.

His Excellency J. E. BROWN,
Governor of Georgia, Milledgeville, Ga.:

SIR: Your letter of the 29th ultimo has been received. The important business that has engaged the attention of the Department during the present month, in connection with Congress, has prevented me from affording a reply to it before this time. The reply shall be made without any reference to the acrimonious language you have thought proper to address to the Department.

The severe losses sustained in different portions of the Confederacy during the campaign of the last spring, from the cavalry raids of the enemy, and the critical condition of our affairs in Mississippi and Tennessee, impressed me with the conviction that a thorough organization of the reserve forces of every State had become necessary to avert similar disasters.

On the 6th of June last I addressed a communication to the Executive of each of the States east of the Mississippi River inviting their co-operation in the attainment of this desirable object. The plan of organization proposed was described in that letter; also, in a letter of the 19th of June, and in the published orders of the Department of the 22d of June ultimo.

The plan was to organize all the population not liable to military service under the acts of Congress, usually designated as conscription acts, in companies and regiments under the acts of Congress to provide for the local defense. The companies thus formed were not to be called into service unless they were actually needed; were to serve only while the emergency lasted, and were then to be dismissed to their homes. To secure these organizations a requisition was made for a quota of militia from each of the States, but with the declaration that these militia troops were not preferred, and that the call for militia would be fully answered if companies for the local defense were organized. In my telegram to you of the 12th of June I say:

> Organizations under the law of the Provisional Congress are preferred mainly because of their longer term of duration and greater adaptation for ready call, or temporary service, and then for dismission to their ordinary pursuits. The militia called out for even a limited time would be continuously in the field. Besides militia corps, if they could be called out so temporarily, might be considered by the enemy as State troops, not, in their construction, entitled to exchange. If, however, the organizations are not formed in adequate numbers, militia, on the plan proposed by you or in the usual way, will be accepted.

On June 16 I informed you that the privilege of organizing companies for local defense, and of tendering them to the President for acceptance, is allowed to the people by the act of Congress. I am not authorized to restrict or deny it. If you will undertake to direct such organizations, and can thus obtain the whole number required

in Georgia for the purpose explained, I will thankfully accept your aid, and from this time leave the matter in your hands for execution.

The authority thus confided was confided at your request, and the organizations completed in Georgia have been made under your superintendence. That the expectations of the Department were not fully answered as to the character of the organization to be formed is quite apparent, and the returns of the muster-rolls for Georgia have been so tardy that the Department has been left in ignorance for much of the time as to the nature and strength of the organizations actually made.

For a portion of the time you have claimed that these organizations were militia organizations, and were to be commanded by State officers.

The Department has accepted, with thankfulness, the co-operation you proffered, and that it has not realized from it its entire expectations or hopes has been rather a matter of regret than for censure or complaint. That an organization of the whole military strength of Georgia had become necessary for the defense of the State, the events that have occurred since June last sufficiently attest. The fall of Vicksburg and Port Hudson; the defeat sustained by our troops at Jackson and Gettysburg; the evacuation of Tennessee by Generals Bragg and Buckner; the accumulation of force by the enemy on the coast of South Carolina and Georgia, and the concentration of the army of General Grant at Chattanooga, have all contributed to menace Georgia with an invasion of a very formidable character. The invasion actually took place; and but for the advantage obtained by our troops at Chickamauga the most fatal consequences may have ensued. Nor has the Department at any time felt that degree of security in respect to the sea-coast of Georgia that authorized any diminution of the force collected for the defense of Savannah. The situation on the frontier of Georgia for the last six months has all the time been so critical that a judicious administration did not justify the disbanding of any troops under the control of the Department.

I have no disposition to depreciate the importance of a full supply of provisions for the Army and people. No one can be more profoundly impressed with the existence of the necessity than myself. The duty imposed upon the Department of reconciling the claims of the different branches of service for support is among the most difficult and delicate that it has to perform. That undue preference has not been given to the Army is evinced by the fact that the disasters it has sustained have been owing principally to the deficiency of its numbers. In consequence of the inability of this Government to maintain the numbers of the Army to that standard that would enable it to compete with that of the enemy we must ascribe the lamentable condition of many parts of the Confederacy at this time which are in his occupation. Congress, in view of this fact, have been continually employed in increasing the draft from those employed in industrial pursuits to fill the diminished ranks of the Army. The Department may regret the necessity for this, but unless the cause of the Confederacy is to be abandoned it can see no other course for it to pursue than to execute the laws passed by Congress in the spirit with which they have been made. A cordial acquiescence and support of that legislation is called for by every motive of patriotism, every sentiment of loyalty, and every consideration of public honor and private interest.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbus, February 23, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Allow me to urge upon your consideration the policy and justice of placing conscripts in the oldest and veteran regiments, so far as South Carolina is concerned. Whilst I would not desire to make distinctions among those which first entered the field, I would mention Kershaw's and Jenkins' brigades especially as being entitled to a share—perhaps the largest share. Under your predecessor a regiment of mounted men in this State, now commanded by Colonel Aiken, was allowed to be organized almost entirely of conscripts, which the law contemplated should have gone into the old regiments. When the call was made up to forty the conscripts were allowed to remain here and join regiments which had not been in active service already, whereby the ranks of some have been swollen to more than the maximum, and even so far as to form new additional companies. This is unjust to the old regiments which have been thinned by battle and disease, and may ultimately be subjected to consolidation, whilst those seeing but little service have been enabled to keep full ranks.

I am, sir, very respectfully, yours,

M. L. BONHAM.

TALLAHASSEE, FLA., *February 25, 1864.*

Maj. THOMAS L. BAYNE,
Ordnance Bureau, Richmond, Va.:

MAJOR: Nothing has occurred since my last telegram to affect or remove the entire interruption of all operations connected with my special service in Florida, which was caused by the unexpected advance of the enemy from Jacksonville. Since their very decided repulse at Olustee they have fallen back beyond Baldwin, and it is conjectured that they are awaiting re-enforcements, as it is reported—how authentically I am not aware—that all their transports have sailed for Hilton Head. As you will readily conjecture, the fact that East Florida has suddenly become the theater of active military operations most materially affects the views I presented in my last communication in regard to the several plans of operation I expected to be developed in that portion of the State. I can therefore only repeat more in detail the information I telegraphed. The Saint Mary's was sunk and her cargo, I presume, was destroyed. Of this fact and of the reported loss of cotton at Camp Finegan and Baldwin, I have, however, no certain information. Lieutenant Buckman has been engrossed by his ordnance duties, and I apprehend has been unable to advise me on these points, even if it were possible for him to obtain accurate information. The military movements now in progress indicate a purpose to contest most energetically the effort of the enemy to establish themselves permanently in Florida. How soon or how effectual these movements may be, it is not for me to conjecture. I can but repeat the fact that at present I am entirely unable to do anything, and must await the results of the campaign to ascertain what changes in the condition of things may occur.

Captain Hobart has reported and has been advised of the remittances of funds, but I have deemed it entirely inexpedient to make

any purchases of cotton, as there exists no reasonable prospect of its exportation now, no vessels being looked for at any point on the coast pending the military operations now in progress. This complete suspension of the efforts which I hoped to make for the accomplishment of results here is exceedingly unpleasant, and the irksome inaction which it has occasioned presses heavily upon me. I consider it my duty to await the developments of the coming month before expressing decided opinions as to the prospects of substantial success, and will therefore remain at or within reach of this place, unless otherwise instructed by you. Beyond the receipt of the acknowledgment of the approval of Captain Hobart's bond, I am entirely without any communication or advices from the Department since I left Richmond.

Very respectfully, your obedient servant,

JNO. BLAIR HOGE,
Major, &c.

[First indorsement.]

MARCH 3, 1864.

Respectfully referred to the Secretary of War for notice and return.

THOS. L. BAYNE,
Major.

[Second indorsement.]

MARCH 6, 1864.

ORDNANCE BUREAU:

Major Hoge may now be recalled unless the Treasury Department should, under the new plan, require his services.

J. A. S.,
Secretary.

[Third indorsement.]

MARCH 11, 1864.

I respectfully ask that Maj. J. B. Hoge may be ordered to report here to give such information as may be desired, and for conference in regard to ports of Florida, and that Capt. Edward Hobart may be left in charge.

THOS. L. BAYNE,
Lieutenant-Colonel, in charge of Steamers.

[Fourth indorsement.]

MARCH 11, 1864.

ADJUTANT-GENERAL:

Order Major Hoge to report here, as suggested by Major Bayne.

J. A. S.,
Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 25, 1864.

Col. IRA R. FOSTER,
Quartermaster-General of Georgia, Atlanta, Ga.:

SIR: I have received your letter of the 17th instant requesting an order to purchase supplies in Florida to manufacture clothing for Georgia troops in the Confederate service. In reply you are respectfully informed that no special permits are ever given, but purchases

made for a State are not liable to impressment, and I know no law prohibiting removal of supplies from Florida.

Your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CHARLESTON, S. C., *February 25, 1864.*

Hon. EDWARD SPARROW,
La Grange, Ga.:

DEAR SIR: I have to thank you for the courtesy of sending me a copy of the army bill as reported from your committee before its passage through the Senate and for your flattering request that I should make any suggestions which I might think would improve it. The constant pressure of official duties of an urgent character prevented me from availing myself of your kindness to present my general views touching the subject-matter of your bill in time for consideration before Congress had acted, and any partial suggestions I felt could be of no value.

In November, 1861, an elaborate plan, prepared with much labor by an officer of my staff, was submitted to prominent statesmen providing for systematic means of raising and keeping on an efficient footing a proper force for the conduct of this war on the scale it must grow to. The plan submitted was a careful adaptation of the French and Prussian systems of conscription, and the Landwehr, modified to suit existing conditions, and it had my full approval at the time; but unfortunately no one then appeared to comprehend that it were as much a sheer impossibility to carry on this colossal war with a volunteer force—that is, by voluntary contributions of brawn and muscle, flesh and blood, as with voluntary gifts of bread and beef, powder and lead, swords and guns. The plan received no countenance whatsoever and fell stillborn. An attempt was made, as will be remembered, by the act of December 11, 1861, to induce the men to re-volunteer with an ill-success which history should have taught us to expect. Then it was that in April, 1862, the first so-called act of conscription was resorted to. This to a certain degree met the necessities of the hour and was effective; but it lacked a great deal of what it might have been if it had been drawn up with knowledge of the details and working of European systems.

Many of the defects of the act of 16th of April, 1862, ought to have been avoided and should be remedied. The act is at direct variance indeed (unnecessarily and without gain) with the fundamental principle of our Government, State sovereignty, and organized State governments. It would not only have been more consonant with our polity, but more effective and far more economical, I am convinced, if the State authorities had been required to recruit and furnish the men of their respective State quotas; and the last bill is open to the same objections. The present system is expensive to a degree far from commensurate with results. It fills the country with functionaries the substantial duties of whom could be performed, I am satisfied, by the local State authorities in addition to their local duties, and thus save many officers and men for the military service who are now kept from the field.

The plan of which I speak as having been drawn up in 1861 was based on this cardinal principle that the States should severally furnish their quotas of men on the requisition of the central executive,

under regulations made by Congress. The companies and regiments were, so to speak, localized or sectionalized; that is, all between certain ages were enrolled in the several districts of the country, the company being the unit, and there was a reserve left at home, which was a part of the company in the field, and from which were drawn the men to fill vacancies. Enrollments were made by the local magistracy, and in ways so carefully guarded that it must have been more efficiently done than now. All people at home were made interested in keeping skulkers in the field by details of administration carefully elaborated, yet simple in operation.

We have not acted wisely in ignoring the systems which, under similar conditions, have worked so effectively in recruiting the armies of France and Prussia in great emergencies, and in adopting one which is the most expensive and irresponsible in the world.

At the same time we ought to provide a permanent and real conscript system, after the French plan, for a small regular force, for the true conscription method of recruiting takes time to be established in a country.

It is not too late to modify existing laws and adopt the State system even now; but with this modification there should go hand in hand a reorganization of the Provisional Army somewhat as follows: A regiment of infantry should be made to consist, in active service, of two battalions of eight companies or three battalions of six companies each, instead, as now, of one battalion of ten companies—that is, we should conform to European organizations in such a war as this. There would be an advantage in this in many ways, it is believed, including the economy resulting from a reduction of the number of officers. Brigades would then be made to consist of not less than forty-eight companies, and the companies should be kept as near to the standard of 90 or 100 men as possible.

If I can find the time before the assembling of Congress again, I may submit the details of these plans for your consideration as a legislator. Meantime, with high consideration,

I am, sincerely, yours,

G. T. BEAUREGARD.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 25, 1864.

Governor Z. B. VANCE,
Raleigh, N. C.:

YOUR EXCELLENCY: I have the honor hereby to acknowledge receipt of your letter of 18th instant, and to say in reply thereto that the President has now under consideration certain uniform regulations in conformity with the recent legislation of Congress. A copy of same will be sent you as soon as they are promulgated.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 46½.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., February 26, 1864.

I. For the more thorough and efficient conduct of this Bureau the following orders regulating the distribution of duties and the transaction of business are published for the guidance of the several officers herein on duty.

II. The Bureau will be divided into several offices, to wit: The reception office, the office of orders, the appointment office, the office of organization, the judge-advocate's office, the adjutant-general's office, the office of inspection, and the office of the Adjutant and Inspector General. Each will be charged with specific duties, and will be independent of the others, the several officers receiving orders from and being responsible to the Adjutant and Inspector General and the Secretary of War directly.

III. The reception office will be charged with the keeping of the files and general records; the reception and opening of the mails and all official papers; the indorsing, entering, and distributing of all papers to the offices charged with action upon them, the recording of such action, and the filing of papers, or, when necessary, their transmission from one office to another and from the Bureau. Upon this office will also devolve the reception of and attention to visitors. It will occupy the first and second in the suite of rooms in the main building.

IV. The office of orders will be charged with keeping the record of the general and special orders, and with action upon all papers and applications requiring for their completion solely the issuing of a special order, such, for instance, as applications for leaves of absence, furloughs, transfers, details, discharges and return of soldiers, resignations and assignment of officers, &c. This office will occupy two rooms next in suite to the reception office.

V. The appointment office will be charged with the register of commissioned officers appointed and with the duty of acting upon all applications for appointment, preparing nomination lists, issuing letters of appointment, and entering confirmations. It will occupy the first and second rooms in the building adjacent to the main building, formerly occupied by the Commissary-General.

VI. The office of organization will take charge of the muster-rolls, rosters, returns, and reports, and act upon all matters relating to the organization of the Army, such as the raising, muster, consolidation, recruiting, or disbanding of companies, battalions, and regiments, the succession of officers by election or promotion; questions of rank between officers of the line, &c.; all matters bearing mainly not upon individuals, but upon organized bodies of troops. This office will occupy the rooms adjacent to the appointment office, and the building in the rear, upon the second and third floors of which the rolls will be kept.

VII. The judge-advocate's office will take action upon all papers and applications relating to courts-martial and courts of inquiry and will occupy for the present the room in the main building next to the office of orders.

VIII. The adjutant-general's office will be charged with the duty of acting upon all papers which cannot properly be devolved upon other offices, and upon all papers submitted to or devolving specially upon the Adjutant and Inspector General, and with the preparation of the general orders. It will for the present occupy rooms with the judge-advocate's office.

IX. The office of inspection, which will devolve upon the assistant inspector-general, to be assigned to duty in this Bureau, will take charge of inspection reports, and will attend to the duties of inspection in the several armies and staff departments, and of enforcing obedience to the laws, orders, regulations, and usages of the service.

X. The office of the Adjutant and Inspector General will contain the confidential files and records of the Bureau, and will take cognizance only of such matters as are beyond the ordinary duties of routine and which cannot properly devolve upon the officers hereinbefore designated. It will occupy the last room in the suite in the main building.

XI. Capt. John W. Riely is assigned to duty in the reception office; Lieut. Col. John Withers, in the office of orders; Lieut. Col. E. A. Palfrey, in the appointment office; Maj. Sam. W. Melton, in the office of organization; Maj. C. H. Lee, in the judge-advocate's office; Lieut. Col. H. L. Clay, in the adjutant-general's office.

XII. Maj. W. S. Barton, assistant adjutant-general, is assigned to duty in the office of organization in this Bureau, and will be charged specially with the duty of acting upon the reports of examining boards.

XIII. Colonel Withers will, as heretofore, have charge of the disbursement of the office fund, to which duty the chief clerk, Mr. H. C. Wall, is, under his supervision, specially assigned. Among the specific duties thus devolved will be the supplying of and attention to stationery, furniture, printing, blanks, outside work, and generally whatever involves expenditure.

XIV. The officers on duty in this Bureau will be required to take final and decisive action upon all matters within the scope of their capacity and the limits of whatever authority may be delegated to them, and will submit to the Adjutant and Inspector General such papers and applications only as require a higher discretion, and to the Honorable Secretary of War such only as demand the exercise of authority not delegated; the rule hereafter to control the distribution of duties and the transaction of business in this Bureau being that officers should do nothing which can be as well done by their subordinates.

XV. Each paper submitted to the Honorable Secretary of War or to the Adjutant and Inspector General will be prepared for their action by indorsement, exhibiting succinctly but clearly the contents of the paper and of its inclosures, in such manner as to present the points for decision and the facts stated bearing upon them, together with the facts appearing of record in the Bureau, and the maturely considered opinion of the officer charged with the office to which the subject-matter of the paper may relate. The indorsements, so far as they exhibit the contents of papers and their inclosures, will be made in the reception office.

XVI. No paper will be placed finally upon the files until the writer or party concerned is notified of the action taken upon it; and to avoid the duplication of papers and the unnecessary accumulation of business, such notification will be given by written communication at the earliest possible moment. If it be deemed unimportant and unnecessary to retain a paper on file as a record or for reference, the notification will be indorsed thereon, and it will be returned to the writer, the action having been first recorded in the "indorsement book" in the reception office.

XVII. The door will be opened to the public at 11 o'clock and closed at 1 o'clock. Before and after these hours no person will be admitted without the sanction in each instance of the Adjutant and Inspector General, except the heads of departments, commanding generals, the chiefs of bureaus, and the clerks of the Bureau of War.

XVIII. The officer on duty in the reception office will attend to the application of each visitor, and if possible meet his purpose without communication with the other offices. When indispensable the visitor will be directed, or, if need be, conducted, to the officer upon whom may devolve the subject-matter in hand. The doors between the reception office and the other offices will be habitually closed, and visitors will not pass them without permission. It is desirable that this Bureau be regarded strictly as a place of business, and the duty is devolved upon the reception office of protecting the other offices from unnecessary intrusion and embarrassment in the continuous transaction of business. The officer in charge will, in addition to the regular hours, attend in this office one hour, between the hours of 6 and 7 o'clock in the evening, and a clerk or employé will remain on duty at all hours, day and night.

XIX. The doors of the office of the Adjutant and Inspector General will be habitually closed, and visitors will not be permitted to pass them without consultation with the officer in charge of the adjutant-general's office, who will, if possible, himself answer the purpose desired. He will confer with the Adjutant and Inspector General, between the hours of 1 and 2 o'clock each day, in reference to such papers submitted as may be beyond his discretion. He will receive the decision orally, and commit it to writing by indorsement or by separate communication.

XX. The officers of this Bureau will proceed at once to make preparations for rearranging the rooms, papers, records, and furniture in accordance with the requirements of these orders, which will, if practicable, be put into full operation by the 15th of March. Maj. Sam. W. Melton is charged with their prompt and thorough enforcement.

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 26, 1864.

Mr. Thomas F. Beale is hereby authorized to enlist a company of men, not to exceed ten in number, for secret service under the regulations prescribed by this Department for such organizations. When he shall have enlisted and mustered into the service for the war eight men, he will receive the commission of first lieutenant in the Provisional Army of the Confederate States, without pay. Transportation will be furnished him for his recruits to the place of rendezvous and to such points as he may select to operate against the enemy.

J. A. SEDDON,
Secretary of War.

Forward to Thomas F. Beale, Mobile, Ala., care of Louisiana Relief Committee.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 26, 1864.

His Excellency CHARLES CLARK,
Governor of Mississippi:

SIR: Hon. Mr. Watson, of your State, has communicated your wish to be definitely informed as to the views of the Department regarding

the operation of the recent legislation of Congress on the militia as existing in an organized condition in your State. Some of those organizations, it is understood, were constituted under an emergency with the consent of the President, and included men at the time subject to conscription. Another portion of the men, by the recent act of Congress, it is supposed, have likewise been subjected to like liability.

Mr. Watson represents that your preference would be for the retention, as organized militia, of all or some of these companies, and has desired me thus to convey to you the views of the Department.

My convictions of expediency are decided against the employment of troops under distinct governments in the same field of action, and it is believed that, as the armies of the Confederacy must necessarily be the larger and more regular organizations and be under more efficient discipline, and in more continuous action, it is very desirable that all capable of military duty should be in some form embodied in the Confederate armies, and subject to the direction of our Commander-in-Chief. My deference, however, for your views, and the desire I unfeignedly have to cordially co-operate with the Governors of each State in the great struggle in which we are engaged, would cause me to yield my own judgment if the laws I am bound to administer did not seem to me to control the matter.

In the Constitution, as I interpret it, three classes of troops only were contemplated—the armies of the Confederacy, troops of war, which a State may keep in time of war, and the militia. The militia, in its wide and constitutional sense, I consider the population capable of arms, which constitutes the material out of which the Confederate Army and the State troops are to be drawn, or which, if not so engrossed, may be organized and employed in temporary service as militia, more strictly called. The power of the Confederacy to raise armies enables it, in my opinion, to engross the whole of the militia in its widest sense, but not to encroach upon or withdraw from the troops of war which a State may have regularly employed. In other words, I consider the Army of the Confederacy and the troops of war may either have been constituted from the militia or the arms-bearing population, and that when so constituted they are, respectively, the Army of the Confederacy and the army of the State. As to these, when constituted, neither government can encroach on the other; but the militia, unless appropriated as troops of war regularly organized, are liable to the superior claims of the Confederate Government.

Such superior claims have been exercised upon all between the ages of seventeen and fifty years, under the recent act of Congress, and consequently all State organizations that are not troops of war, permanently enlisted as such, but militia, whether organized or at large, are subjected to conscription. Those between eighteen and forty-five are devoted to filling the old organizations and to specific details; the others within the prescribed ages to designated purposes. It becomes my duty to see that they are so devoted and employed. I have no warrant or right to yield them to other (even State) organizations.

With this explanation, you will readily understand that, as far as any troops organized and existing under State authority are properly "troops of war" of the State, in the language of the Constitution, they are exempt from the control or interference of the Department, but that all white residents between seventeen and fifty years of age not so embodied as troops of war must be claimed for the military service of the Confederacy in some of the various forms designated by the acts

of Congress on the subject. I may regret that it is not in my power to exercise a more liberal discretion in conformity with your wishes, but your judgment and patriotism are confidently relied on to approve my adherence to the provisions of the law.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

DEMOPOLIS, *February 27, 1864.*

His Excellency President DAVIS,
Richmond:

This will be handed you by Mr. Minor Major, a citizen of Missouri, who comes to me properly authenticated. He has been employed in the work of destroying the property of the enemy on the rivers, and is a member of an organization of a formidable character extending through the North, of which I have known for some time past and of which you have heard. He goes to Richmond on matters connected with his work, and I think you will be interested in hearing from him of the associations with which he is connected. Properly used, these associations could be of great value to our cause.

Respectfully, your obedient servant,

L. POLK,
Lieutenant-General.

[Indorsement.]

Respectfully referred to the Honorable Secretary of War.

S. R. M[ALLORY],
Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 28, 1864.

Governor J. E. BROWN,
Milledgeville, Ga.:

YOUR EXCELLENCY: On the recommendation of General Lee, and from the disadvantages found to result to the service from the absence of officers who [are] likewise members of the Legislature, it has been concluded not to grant furloughs to attend the sessions. Officers so situated are entitled to resign, and may so elect.

J. A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 25. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., February 29, 1864.

I. The following acts of Congress are published for the information of the Army:

1. JOINT RESOLUTION to declare the meaning of "An act allowing hospital accommodations to sick and wounded officers."

Resolved by the Congress of the Confederate States of America, That the true intent and meaning of "An act allowing hospital accommodations to sick and wounded officers," approved the twenty-ninth day of April, eighteen hundred and sixty-three, were to cause to be furnished not only medicines, medical and other attendance and lodging, but subsistence also.

Approved February 13, 1864.

2. AN ACT to increase the commutation value of hospital rations.

The Congress of the Confederate States of America do enact, That the commutation value of rations of the sick and wounded, and of all employés in hospitals, be fixed at such rates, not to exceed two and a half dollars, as the Secretary of War shall designate.

Approved February 15, 1864.

3. AN ACT to amend "An act regulating the granting of furloughs and discharges in hospitals," approved May 1, 1863.

The Congress of the Confederate States of America do enact, That an act regulating the granting of furloughs and discharges in hospitals, approved on May first, eighteen hundred and sixty-three, be, and the same is hereby, so amended as to provide that the period of disability therein named which entitles soldiers, sick and wounded in hospitals, to furloughs, shall be extended to sixty days, or upwards, in which case the Board of Examiners may grant furloughs for sixty days.

Approved February 17, 1864.

II. Paragraph I, General Orders, No. 69, last series, is so amended that soldiers, sick or wounded in hospitals, will not be granted furloughs unless they are likely to remain unfit for military duty for sixty days, in which case they may be furloughed for that period.

III. Hospital funds accrue in all hospitals—regimental, field, or other hospitals.

IV. Paragraph VIII, General Orders, No. 8, current series, is hereby revoked. Rations in kind (such as are issued to soldiers in the field) will be issued to all attendants in field hospitals, and, when required by the surgeon in charge, to the female attendants in general hospitals. The rations of all male attendants in general hospitals in cities and towns will be commuted, the amount to be drawn by the surgeon in charge and expended by him for their subsistence.

V. The commuted value of rations of the sick and wounded, and of all employés in regimental, field, or other hospitals, will be, until further orders, $2.50.

VI. General Orders, No. 71, last series, is amended as follows: For officers, sick or wounded in hospital, rations will be drawn, or, when required by the surgeon in charge, their value commuted at the price fixed in the preceding paragraph.

VII. The last two preceding paragraphs will not have effect in the Trans-Mississippi Department.

VIII. The following order is published in connection with paragraphs VIII and IX, General Orders, No. 22, 1864:

Officers in the Trans-Mississippi Department belonging to commands east of the Mississippi River will immediately return to their respective commands. In cases where such officers have no command, or are unassigned to any by proper authority, action under the "Act of Congress to provide for retiring officers of the Army," approved February 17, 1864, will be taken by the general commanding that department, who will also adopt proper measures to carry into effect these orders.

IX. Supplies of provisions, in transitu to arsenals, armories, and ordnance depots, for the use of operatives, under the order of commanding officers of the same, will not be interfered with by officers of other departments.

By order:

S. COOPER,
Adjutant and Inspector General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: I desire to call your attention most earnestly to the difficulties and complications arising from the conscription of principals of substitutes in this State.

Chief Justice Pearson has decided recently that the law is unconstitutional, and further that the act of Congress suspending the privilege of the writ of habeas corpus does not apply to these men. He therefore continues to grant the writ, and the execution being resisted by the enrolling officers by orders from the Conscript Bureau, the result will be a direct and unavoidable collision of State and Confederate authorities. I have taken the ground that the decision of a single judge at chambers does not possess the binding force and effect of an adjudicated case, but it only operates to discharge the individual. It certainly does this much, and until it is overruled it is final and absolute, made so expressly by the statutes of this State. It cannot be overruled except by the supreme court, which does not meet until June next. In the meantime, if the man is discharged I am bound to protect him, and if the process of the court is resisted I am forced by my oath of office to summon the military power of the State to enforce it. There is no escape from this conclusion.

An agreement was proposed by Chief Justice Pearson at Salisbury and accepted by Governor Bragg as counsel for the Government, subject to the approval or disapproval of the same, to remove one case to the supreme court by *certiorari*, and to bind over all others applying for writs to appear and abide the decision thus to be rendered. This gave general satisfaction and had a quieting effect upon the whole State.

Since it has been understood, however, that the Confederacy would not recognize the arrangement the excitement is becoming very great, and I fear much trouble will result.

Knowing, as I trust you do, my great anxiety to avoid collision with the Confederate authorities and everything else that might tend to hinder its efficiency, yet it cannot be supposed that I am to omit a plain and obvious duty prescribed by my official oath. I therefore earnestly request that you will order a suspension of the enrollment of the principals of substitutes in North Carolina at least until time sufficient be allowed to exhaust all efforts at an amicable arrangement. I do not know a better one than that made at Salisbury, and which, though it would deprive the Government of the services of these men until June, would yet give still greater advantages by preserving that peace and harmony between the respective governments without which all our labors will be in vain.

You will observe that I make no comment whatever upon the correctness of the chief justice's opinions. As an executive officer I consider that I have no right to do so; neither, with all due respect, do I consider you to have any such discretion; and however unfortunate it may be to the efficient and equal working of the Government that the laws of Congress are at the mercy, so to speak, of the various judges of the various States, I submit that it is not possible to avoid it, in the absence of the Supreme Court of the Confederacy to give harmony and uniformity of construction. We can only obey the judges we

now have, and even this is infinitely preferable to the assumption of judicial power by executive officers, and making their will the law.

Hoping an early response, I am, sir, very respectfully, yours,

Z. B. VANCE.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, N. C., February 29, 1864.

Hon. C. G. MEMMINGER,
Secretary of the Treasury, Richmond, Va.:

DEAR SIR: Upon a recent visit to the county of Wilkes, in this State, I was informed that a number of inoffensive citizens in that and the adjacent counties had been robbed of their property and effects by the Fiftieth Regiment North Carolina Troops, employed there for the purpose of arresting deserters. It has occurred to me that some compensation should be made to these people for the losses they have sustained, in many cases a large part of their property having been taken away. And the mode I propose is to appoint a commission or commissioners in the region where the depredations have been committed and ascertain the loss of each individual and credit the amount on his current taxes. Should this proposition meet your views and the measure be carried into effect promptly, I feel satisfied it will go far to compose the dissatisfaction of my people who have suffered so severely in that section, and bring to the support of the Government a large class of persons who think and feel they are out of the pale of its protection. Your early consideration of this measure will enable me to effect much in the restoration of confidence amongst the people where its benefits are to be received.

I am, very respectfully, your obedient servant,

Z. B. VANCE.

P. S.—I would suggest that the tax collectors could do this. Justice and good policy both require it.

Z. B. V.

[Indorsement.]

MARCH 3, 1864.

Respectfully referred for consideration and reply to the Secretary of War.

C. G. MEMMINGER,
Secretary of the Treasury.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 29, 1864.

Z. McDaniel is hereby authorized to enlist a company of men, not to exceed fifty in number, for secret service against the enemy, under the regulations prescribed by this Department for such organizations. When he shall have enlisted and mustered his company into the service for the war he will receive a commission as captain in the Provisional Army of the Confederate States, without pay. Transportation will be furnished to him for his recruits to the place of rendezvous and to such points as he may select for his operations.

J. A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 26. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 1, 1864.*

The following act of Congress and regulations are published for the information and guidance of all concerned:

AN ACT to organize forces to serve during the war.

The Congress of the Confederate States of America do enact, That from and after the passage of this act, all white men, residents of the Confederate States, between the ages of seventeen and fifty, shall be in the military service of the Confederate States for the war.

SEC. 2. That all the persons aforesaid, between the ages of eighteen and forty-five, now in service, shall be retained, during the present war with the United States, in the same regiments, battalions and companies to which they belong at the passage of this act, with the same organization and officers, unless regularly transferred or discharged, in accordance with the laws and regulations for the government of the Army: *Provided*, That companies from one State, organized against their consent, expressed at the time, with regiments or battalions from another State, shall have the privilege of being transferred to organizations of troops in the same arm of the service from the States in which said companies were raised, and the soldiers from one State in companies from another State shall be allowed, if they desire it, a transfer to organizations from their own State in the same arm of the service.

SEC. 3. That, at the expiration of six months from the first day of April next a bounty of one hundred dollars, in a six per cent. Government bond, which the Secretary of the Treasury is hereby authorized to issue, shall be paid to every non-commissioned officer, musician and private who shall then be in the service, or, in the event of his death previous to the period of such payment, then to the person or persons who would be entitled by law to receive the arrearages of his pay; but no one shall be entitled to the bounty herein provided who shall, at any time during the period of six months next after the said first day of April, be absent from his command without leave.

SEC. 4. That no person shall be relieved from the operation of this act by reason of having been heretofore discharged from the Army, where no disability now exists, nor shall those who have furnished substitutes be any longer exempted by reason thereof: *Provided*, That no person heretofore exempted on account of religious opinions, and who has paid the tax levied to relieve him from service, shall be required to render military service under this act.

SEC. 5. That all white male residents of the Confederate States between the ages of seventeen and eighteen and forty-five and fifty years shall enroll themselves, at such times and places, and under such regulations as the President may prescribe, the time allowed not being less than thirty days for those east, and sixty days for those west of the Mississippi River; and any person who shall fail so to enroll himself, without a reasonable excuse therefor, to be judged of by the President, shall be placed in service in the field for the war, in the same manner as though he were between the ages of eighteen and forty-five: *Provided*, That the persons mentioned in this section shall constitute a reserve for State defense and detail duty, and shall not be required to perform service out of the State in which they reside.

SEC. 6. That all persons required by the fifth section of this act to enroll themselves may, within thirty days after the passage hereof, east of the Mississippi River, and within sixty days if west of said river, form themselves into voluntary organizations of companies, battalions or regiments, and elect their own officers—said organizations to conform to the existing law; and having so organized, to tender their services as volunteers during the war, to the President; and if such organization shall furnish proper muster-rolls, as now required, and deposit a copy thereof with the enrolling officer of their district (which shall be equivalent to enrollment), they may be accepted as minute men for service in such State; but in no event to be taken out of it. Those who do not so volunteer and organize shall enroll themselves as before provided, and may, by the President, be required to assemble at places of rendezvous, and be formed into companies, battalions and regiments, under regulations to be prescribed by him, and shall have the right to elect their company and regimental officers; and all troops organized under this act for State defense shall be entitled, while in actual service, to the same pay and allowances as troops now in the field.

SEC. 7. That any person who shall fail to attend at the place of rendezvous, as required by the authority of the President, without a sufficient excuse, to be judged of by him, shall be liable to be placed in service in the field for the war, as if he were between the ages of eighteen and forty-five years.

SEC. 8. That hereafter the duties of provost and hospital guards and clerks, of clerks, guards, agents, employés, or laborers in the Commissary and Quartermaster's Departments, in the Ordnance Department, and clerks and employés of navy agents, as also in the execution of the enrollment acts, and all similar duties, shall be performed by persons who are within the ages of eighteen and forty-five years, and who, by the report of a board of army surgeons, shall be reported as unable to perform active service in the field, but capable of performing some of the above-named duties, specifying which; and when those persons shall have been assigned to those duties as far as practicable, the President shall detail or assign to their performance such bodies of troops or individuals, required to be enrolled under the fifth section of this act, as may be needed for the discharge of such duties: *Provided*, That persons between the ages of seventeen and eighteen shall not be assigned to these duties: *Provided further*, That nothing contained in this act shall be so construed as to prevent the President from detailing artisans, mechanics, or persons of scientific skill to perform indispensable duties in the departments or bureaus herein mentioned.

SEC. 9. That any quartermaster or assistant quartermaster, commissary or assistant commissary, (other than those serving with regiments and brigades in the field), or officer in the Ordnance Bureau, or navy agent, or provost-marshal, or officer in the conscript service, who shall hereafter employ or retain in his employment any person in any of their said departments or bureaus, or in any of the duties mentioned in the eighth section of this act, in violation of the provisions hereof, shall, on conviction thereof, by a court-martial or military court, be cashiered; and it shall be the duty of any department or district commander, upon proof by the oath of any credible person, that any such officer has violated this provision, immediately to relieve such officer from duty; and said commander shall take prompt measures to have him tried for such offense, and any commander as aforesaid failing to perform the duties enjoined by this section, shall, upon being duly convicted thereof, be dismissed from the service.

SEC. 10. That all laws granting exemptions from military service be, and the same are hereby repealed, and hereafter none shall be exempted except the following:

I. All who shall be held unfit for military service, under rules to be prescribed by the Secretary of War.

II. The Vice-President of the Confederate States; the members and officers of Congress and of the several State Legislatures, and such other Confederate and State officers as the President or the Governors of the respective States may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be.

III. Every minister of religion authorized to preach according to the rules of his church, and who, at the passage of this act, shall be regularly employed in the discharge of his ministerial duties; superintendents and physicians of asylums for the deaf, dumb and blind and of the insane; one editor for each newspaper being published at the time of the passage of this act, and such employés as said editor may certify on oath to be indispensable to the publication of such newspaper; the public printer of the Confederate and State governments, and such journeymen printers as the said public printer shall certify on oath to be indispensable to perform the public printing; one skilled apothecary in each apothecary store, who was doing business as such apothecary on the tenth day of October, eighteen hundred and sixty-two, and has continued said business, without intermission, since that period; all physicians over the age of thirty years who now are, and for the last seven years have been, in the actual and regular practice of their profession, but the term physician shall not include dentists; all presidents and teachers of colleges, theological seminaries, academies, and schools, who have been regularly engaged as such for two years next before the passage of this act: *Provided*, That the benefit of this exemption shall extend to those teachers only whose schools are composed of twenty students or more; all superintendents of public hospitals established by law before the passage of this act, and such physicians and nurses therein as such superintendent shall certify on oath to be indispensable to the proper and efficient management thereof.

IV. There shall be exempt one person as overseer or agriculturist on each farm or plantation upon which there are now, and were, upon the first day of January last, fifteen able-bodied field hands, between the ages of sixteen and fifty, upon the following conditions: 1. This exemption shall only be granted in cases in which there is no white male adult on the farm or plantation not liable to military service, nor unless the person claiming the exemption was, on the first day of January, eighteen hundred and sixty-four, either the owner and manager, or overseer of said plantation · but in no case shall more than one person be exempted for one farm or plantation. 2. Such person shall first execute a bond, payable to the

Confederate States of America, in such form, and with such security, and in such penalty, as the Secretary of War may prescribe, conditioned that he will deliver to the Government, at some railroad depot, or such other place or places as may be designated by the Secretary of War, within twelve months then next ensuing, one hundred pounds of bacon, or, at the election of the Government, its equivalent in pork, and one hundred pounds of net beef, (said beef to be delivered on foot), for each able-bodied slave on the farm or plantation within the above said ages, whether said slaves be worked in the field or not, which said bacon or pork and beef shall be paid for by the Government at the prices fixed by the commissioners of the State under the impressment act: *Provided*, That when the person thus exempted shall produce satisfactory evidence that it has been impossible for him, by the exercise of proper diligence, to furnish the amount of meat thus contracted for, and leave an adequate supply for the subsistence of those living on the said farm or plantation, the Secretary of War shall direct a commutation of the same, to the extent of two-thirds thereof, in grain or other provisions, to be delivered by such person as aforesaid at equivalent rates. 3. Such person shall further bind himself to sell the marketable surplus of provisions and grain now on hand, and which he may raise from year to year while his exemption continues, to the Government or to the families of soldiers, at prices fixed by the commissioners of the State under the impressment act: *Provided*, That any person, exempted as aforesaid, shall be entitled to a credit of twenty-five per cent. on any amount of meat which he may deliver within three months from the passage of this act: *Provided further*, That persons coming within the provisions of this exemption shall not be deprived thereof by reason of having been enrolled since the first day of February, eighteen hundred and sixty-four.

In addition to the foregoing exemptions, the Secretary of War, under the direction of the President, may exempt or detail such other person as he may be satisfied ought to be exempted on account of public necessity, and to insure the production of grain and provisions for the Army and the families of soldiers. He may, also, grant exemptions or details, on such terms as he may prescribe, to such overseers, farmers or planters, as he may be satisfied will be more useful to the country in the pursuits of agriculture than in the military service: *Provided*, That such exemptions shall cease whenever the farmer, planter or overseer, shall fail diligently to employ, in good faith, his own skill, capital and labor, exclusively, in the production of grain and provisions, to be sold to the Government and the families of soldiers at prices not exceeding those fixed at the time for like articles by the commissioners of the State under the impressment act.

V. The president, treasurer, auditor and superintendent, of any railroad company engaged in transportation for the Government, and such officers and employés thereof as the president or superintendent shall certify, on oath, to be indispensable to the efficient operation of such railroad: *Provided*, That the number of persons exempted by this act on any railroad shall not exceed one for each mile of such road in actual use for military transportation, and said exempts shall be reported by name and description, with the names of any who may have left the employment of said company, or who may cease to be indispensable to the efficient operation of its road, at least once a month, to the Secretary of War, or such officer as he may designate for that purpose: *And provided further*, That such president or superintendent shall, in each such monthly report, certify on oath that no person liable to military service has been employed by his company since the passage of this act, in any position in which it was practicable to employ one not liable to military service and capable of performing efficiently the duties of such position. And in cases where railroads have fallen into the hands of the enemy, and a portion of the rolling-stock of such roads is being used on other roads not in the enemy's hands, the president and superintendent of said first-named roads shall be exempt.

VI. That nothing herein contained shall be construed as repealing the act approved April fourteenth, eighteen hundred and sixty-three, entitled "An act to exempt contractors for carrying the mails of the Confederate States, and the drivers of post-coaches and hacks from military service:" *Provided*, That the exemptions granted under this act shall only continue whilst the persons exempted are actually engaged in their respective pursuits or occupations.

SEC. 11. That the President be, and he is hereby authorized, to grant details, under general rules and regulations to be issued by the War Department, either from persons between forty-five and fifty years of age, or from the army in the field, in all cases when, in his judgment, justice, equity and necessity require such details, and he may revoke such orders of details whenever he thinks proper: *Provided*, That the power herein granted to the President to make details and exemptions shall not be construed to authorize the exemption or detail of any contractor

for furnishing supplies of any kind to the Government, by reason of said contract, unless the head or Secretary of the Department making such contract shall certify that the personal services of said contractor are indispensable to the execution of the contract: *Provided further*, That when any such contractor shall fail diligently and faithfully to proceed with the execution of such contract, his exemption or detail shall cease.

SEC. 12. That in appointing local boards of surgeons for the examination of persons liable to military service, no member composing the same shall be appointed from the county or enrolling district in which they are required to make such examination.

Approved February 17, 1864.

I. The superintendence of the measures necessary for the enrollment, examination, enlistment, assignment, detail, and exemption of all persons not belonging to the Army, in the States east of the Mississippi River, who are placed in the military service by the above act of Congress, is devolved on the Bureau of Conscription; and all officers and persons assigned or to be employed in the conscription service, or upon other duty imposed upon the Bureau, will be subject to its orders, and their various acts and decisions may be revised therein, under the orders and instructions of the War Department.

II. The Bureau of Conscription, under the orders of the Department, will proceed to organize in every State efficient agencies for the performance of the necessary duties imposed by this order. These agencies will consist of a commandant of conscripts in each State, a suitable number of camps of instruction, under the charge of commanders, and enrolling officers, and drill-masters, to be appointed or assigned under acts of Congress or the orders of the War Department. The Bureau of Conscription will, by instructions to these officers, designate the duties that they shall perform, the reports that they shall make, and will determine the effect of their certificates and other official evidence they may be required to give. In the performance of the duties of making exemptions and details, the Bureau of Conscription may from time to time organize within the States temporary boards to obtain information and advice relative to the necessity or propriety of exemptions or details to be granted under the provisions of the above act of Congress.

III. All applications for exemption or detail under this act, except as hereafter excepted, and except such details as are required for the service of any of the military bureaus, or for service in any of the departments of the Government, will be made in writing to the enrolling officer of the appropriate county or district, and be supported by the affidavit of the applicant and other testimony under oath. The enrolling officer will indorse his opinion on each and every application, and transmit it to the commandant of conscription for his approval, with a certificate for approval. If the enrolling officer approve the application, he may grant a certificate of exemption for a period not exceeding sixty days, which shall remain in force for that period unless countermanded by the commandant of conscripts. Every applicant for exemption or detail, whose claim shall be refused by the enrolling officer and commandant of conscripts, will be allowed an appeal to the Bureau of Conscription and the War Department. But until the application has been made to the enrolling officer and the commandant of conscripts, applications will not be entertained by the War Department.

IV. Applications for exemptions to insure the production of provisions for the Army and families of soldiers, and for the exemption of overseers, farmers, or planters, or because their services will be

more useful to the public as agriculturists than in the military service, or of persons between the ages of forty-five and fifty, because justice, equity, or necessity require the detail, or because their employment is necessary to the public, will be made to the enrolling officer in writing, with an affidavit of the person making it, and accompanied with proof of one or more credible witnesses. The application should show with precision the conditions of the alleged private or public necessity, advantage, convenience, justice, or equity. Among the facts to be stated are the ability of the party to produce the provision or supply the want or requirement, the condition of the family, whether any of the members belong to the Army, and whether some person not liable to military service cannot be procured to perform the service. If the decision of the local enrolling officer be favorable, he will transmit the same to the commandant of conscripts for approval, who may, if he approve, grant an exemption or detail for sixty days, and indorse his action thereon, which will be transmitted to the Bureau of Conscription. The Bureau will prepare special instructions to guide the action of those officers in reference to this class of cases.

V. Applications for certificates of exemption under the third article, tenth section, of the act aforesaid, and sixth article of the same section, will be made in all cases to the local enrolling officer, and his certificate must be approved by the Congressional district enrolling officer. Applications for exemption under the fifth article of the tenth section, relative to the exemption of officers and agents employed on railroads may be made directly to the commandant of conscripts for the State, who will grant the certificate of exemption authorized by law upon a compliance with the conditions contained in the act of Congress by the officers therein mentioned.

VI. The attention of all officers of the Government, and especially of those belonging to the military departments mentioned therein, is directed to the language and purport of the eighth section of the act of Congress above recited. Congress has manifested in various enactments the policy to withdraw from the civil service all persons capable of performing duty in the field, and this section of the act is an emphatic declaration of that intention, accompanied with a severe penalty to be imposed upon the officer who may frustrate it. The Bureau of Conscription will proceed to enroll for duty all persons who may be so employed. But, to prevent the inconvenience and disorder that would follow from the instantaneous execution of the law, details may be granted until the 10th day of April next, for such of those persons as the head of any department or the chief of any bureau or the principal officer of the same in any State shall certify to be necessary for that time to carry on the business in which they are employed. In the meantime, it is made the duty of the officers controlling this class of persons to substitute, as far as practicable, persons who are designated in this act as proper to fill such employments for those that are made liable to service by the act.

VII. Conscripts unfit for duty in the field, but capable of performing other duties named in the eighth section of the act recited, will be received and recommended accordingly by the board of examiners for conscripts, who in their reports will state distinctly for what service or for which department of the Army such conscripts are best fitted; and commandants of conscripts will assign them in accordance with such recommendations, or, failing to do this, will report for assignment through the Bureau of Conscription, to the chief or head

of the department in which they have been recommended for service, the names of such conscripts. All certificates of exemption for disability will be signed by the Examining Board, and be approved by the enrolling officer of the Congressional district; and when the certificate sets forth that the disability is decided and permanent, it will exempt the party from molestation by enrolling officers, unless otherwise ordered from the Bureau of Conscription.

VIII. The examining boards will forward one copy of the monthly report of conscripts examined, through the enrolling officer of the Congressional district, to the commandant of conscripts, who will refer the same, with remarks, to the Bureau of Conscription. The boards will also forward one copy direct to the Surgeon-General.

IX. Medical officers and employed physicians on examining boards for conscripts will not be assigned to Congressional districts of which they are residents. The employed physicians will receive the pay and allowances of assistant surgeons.

X. Medical officers detailed for duty on examining boards for conscripts will be directed to report for orders to the commandants of conscripts of States.

XI. Besides the officers of the Confederate and State governments particularly named in the act of Congress, the officers of the Government of the Confederate States whose nominations have been made by the President and confirmed by the Senate, or who have been appointed by the judges of the district courts, under the authority confided by any act of Congress, will be exempted from military service until further orders; also the judges or justices of any supreme, superior, or circuit court of any State; also the judges of probate, clerk of any court of record, ordinary, sheriff, one tax collector in each county, and recorder of deeds and wills, if there be such an officer existing by law, and such other officers of the State provided by law as the Governor shall certify to be necessary to the proper administration of the State government.

XII. All persons who have been exempted on account of religious faith under act of Congress approved 11th of October, 1862, and who have paid the tax of $500 therein provided for, will be exempt from enrollment in the military service.

By order:

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 27. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 2, 1864.*

I. The attention of the Army is called to the second and third sections of the act of Congress entitled "An act to organize forces to serve during the war," approved 17th of February, 1864.

SEC. 2. That all the persons aforesaid, between the ages of eighteen and forty-five, now in service, shall be retained, during the present war with the United States, in the same regiments, battalions and companies to which they belong at the passage of this act, with the same organization and officers, unless regularly transferred or discharged, in accordance with the laws and regulations for the government of the Army: *Provided*, That companies from one State, organized against their consent, expressed at the time, with regiments or battalions from another State, shall have the privilege of being transferred to organizations of troops in the same arm of the service from the States in which said companies were raised, and the soldiers from one State in companies from another State

shall be allowed, if they desire it, a transfer to organizations from their own State in the same arm of the service.

SEC. 3. That, at the expiration of six months from the 1st day of April next a bounty of one hundred dollars in a 6 per centum Government bond, which the Secretary of the Treasury is hereby authorized to issue, shall be paid to every non-commissioned officer, musician and private who shall then be in the service, or, in the event of his death previous to the period of such payment, then to the person or persons who would be entitled by law to receive the arrearages of his pay; but no one shall be entitled to the bounty herein provided who shall, at any time during the period of six months next after the said first day of April, be absent from his command without leave.

II. The generals of departments will ascertain whether there be in their respective departments any company or companies from one State associated with companies belonging to another State, either in battalions or regiments, who were placed in such organizations against their consent, expressed at the time, and will report the same to the Adjutant and Inspector General as soon as practicable, with a recommendation that they be transferred, if they now desire it, tc some organization of troops in the same arm of the service fron. the State in which the said companies were raised.

III. Measures will be taken by the commanding generals of departments to place in companies of the same arm of the service in which they are serving, raised in States to which they respectively belong, the privates who are serving in companies raised in other States. This privilege will be freely granted to all privates making the application. A private will be considered as belonging to that State in which he was residing for twelve months prior to his enlistment. Measures will also be taken to have proper rolls prepared on the 1st of April, proximo, or as soon after as practicable, and returned to the Office of the Adjutant and Inspector General, so as to secure to all the persons designated in the third section of the above-recited act the benefits conferred by it.

By order:

S. COOPER,
Adjutant and Inspector General.

WAR DEPARTMENT,
Richmond, Va., March 2, 1864.

Governor Z. B. VANCE,
Raleigh, N. C.:

YOUR EXCELLENCY: I am duly in receipt of yours of 17th ultimo. I have already written you of the difficulty of transporting to Wilmington a sufficiency of cotton to meet our urgent and pressing wants. Lieutenant-Colonel Sims, chief of the railroad bureau, to whom I had referred your letter, returns it indorsed:

All the rolling-stock that can be found is now employed in running cotton to Wilmington, and instructions have been sent out to load all trains with Government cotton to the exclusion of that owned by private parties. Nothing more can be done without diverting some of the corn trains.

You will see, therefore, that every effort is being made to transport the Government cotton to Wilmington. On 26th ultimo Mr. Seixas was enabled to borrow 600 bales of cotton from some parties in Wilmington, and I at once telegraphed him to pay over 300 of them to your agent. The balance of the debt will be canceled as rapidly as possible.

Your obedient servant, very respectfully,

JAMES A. SEDDON,
Secretary of War.

EXECUTIVE DEPARTMENT, STATE OF SOUTH CAROLINA,
Columbia, March 2, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: In reply to yours of 21st of January declining to discharge soldiers appointed to the military academy of the State, I ask leave to call your attention to the resolution of the Legislature, a copy of which I inclose.* Many of these boys entered the service before they were sixteen years old, have fought gallantly, made good soldiers, and deserve to be placed on the roll of honor, which a grateful State has provided for such services. While no one can be more anxious than myself to fill the ranks of the Army, yet I cannot be insensible to the claims of the State and the duty which she owes to those gallant youths who have so well maintained her character and honor in the field. I cannot agree with you, without some qualification, that the Army is the best school of instruction. To one who has been well grounded in all the elementary branches it may be, but to one who can barely read and write, it is certainly better to allow him the opportunities which the State has afforded by this resolution, and thus fit him to command and to become an educated and accomplished officer. I ask also to call your attention to the fact that the number to be appointed is but six a year, and all of these do not come from the Army—not more than half—as some are the sons of deceased soldiers, and are taken from civil life. It is also proper to state that the appointments made by the Board of Visitors are entirely distinct and not included in the application here made. I respectfully suggest that the discharges now claimed are too few to make a material diminution of the Army. I therefore think it is due to the Legislature that I press upon you the propriety of discharging from service such appointments as I have made or may hereafter make under this resolution.

Respectfully, your obedient servant,

M. L. BONHAM.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 2, 1864.

His Excellency M. L. BONHAM,
Governor of South Carolina, Columbia, S. C.:

SIR: Your letter of the 23d ultimo is received. In reply I have the honor to say that conscripts are devoted to the organizations existing on the 16th of April, 1862, when the first act passed. In making assignments, however, the principle, which has been considered most equitable, has been to assign in the ratio of deficiencies in each company until the minimum fixed by law is attained in all, and the Conscript Bureau has been instructed to observe this rule. I trust its equity and policy will commend it to your approval.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

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*Not found.

GENERAL ORDERS, No. 28. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 4, 1864.*

I. Paragraph V, General Orders, No. 13, 1864, is thus amended:

Officers of the Quartermaster's Department will, upon the requisition of company commanders, issue clothing directly to soldiers and take their individual receipts therefor.

II. Paragraph II, General Orders, No. 67, 1863, is amended as follows:

If any cavalryman "shall not keep himself provided with a serviceable horse, he shall serve on foot," and be transferred to any regiment of infantry from the State from which he volunteered or was conscribed that the department commander may order.

III. The following act of Congress is published for the information of the Army:

AN ACT to allow commissioned officers of the Army rations and the privilege of purchasing clothing from the Quartermaster's Department.

The Congress of the Confederate States of America do enact, That from and after the passage of this act, all commissioned officers of the armies, whilst on duty in the field, or in the naval service, whilst afloat, of the Confederate States, shall be entitled to one ration in kind each, in quantity and quality, the same as are now allowed by law to privates, and shall draw and receive the same under such regulations as may be prescribed by the Secretary of War.

SEC. 2. That all commissioned officers of the armies of the Confederate States shall be allowed to purchase clothing, and cloth for clothing, from any quartermaster, at the price which it cost the Government, all expenses included: *Provided*, That no quartermaster shall be allowed to sell to any officer any clothing or cloth for clothing which would be proper to issue to privates, until all privates entitled to receive the same shall have been first supplied: *Provided*, That the officer offering to purchase shall give his certificate, on honor, that the articles are necessary for his own personal comfort and use, and in no case shall more than one suit per annum be allowed to be so purchased by any officer: *Provided*, That no law or army regulation shall hereafter be construed to allow an officer to purchase or draw from subsistence stores, more than one ration a day, or for less price than the cost thereof, including transportation.

SEC. 3. That no officer under the rank of brigadier-general shall hereafter be entitled to forage, or commutation for forage, for more than one horse, except when on service in the field.

Approved February 17, 1864.

IV. Rations in kind, the same in quality and quantity as are now allowed by law to privates, will be issued to regimental commissioned officers whilst on duty in the field, upon provision returns approved by the commanding officer of the regiment, and to general and staff officers upon their own certificates.

V. One ration a day in kind may be purchased by any officer not in the field, who is upon duty under orders from this office or from any department commander, at cost, including transportation.

VI. Officers retired in accordance with the act to provide an invalid corps, approved February 17, 1864, are not entitled to draw or purchase rations unless assigned to duty by orders under the provisions of that law.

VII. The Quartermaster-General will issue instructions to quartermasters and assistant quartermasters to carry into effect section 3 of the above act and so much of section 2 of the same act as relates to his department.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 7.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., March 4, 1864.

Commandants of conscripts will forthwith order all officers engaged in conscription service in their respective States to be examined by such medical boards as may be designated by the commandant, with the view of ascertaining what officers are fitted for service in the field.

The certificates of the Examining Board will recite the exact status of the officers, and also the extent of any alleged disability, and whether said disability has arisen from wounds or disease received or contracted while in the service of the Confederate States.

The certificates will be forwarded to this Bureau with remarks by the commandants.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

Official regulations to carry into effect the act "to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense."

I.—AS TO THE SEA.

1. The owners of any vessel intending to sail from a Confederate port with a cargo consisting in whole or in part of cotton, tobacco, military and naval stores, sugar, molasses, or rice, shall, before lading on board of any such articles, file with the collector of the port from which the vessel is to sail a copy of her register with a declaration of the names of the owners and officers thereof, the place of their birth and of their residence for the preceding year, together with the port or place to which the said vessel proposes to sail. The said declaration shall also set forth the quantity and value, in Confederate currency, of the cargo proposed to be taken out, as also the consent of the said owners that one-half of the tonnage of the said vessel may be employed by the Confederate Government for its own use, both on the outward and homeward voyage, at the rate of freight hereinafter mentioned. The collector shall submit a statement as to the owners and officers to the military commandant of the port, and if he shall not object to their loyalty or to the sailing of the vessel for reasons of military necessity the collector shall grant a permit for the lading of the said vessel, one-half for account of the owners and one-half for account of the Confederate States.

2. Before the said lading shall be completed the owners of the vessel shall execute to the Confederate States a bond in double the value of the vessel, with security deemed adequate by the collector, conditioned that she will pursue the voyage designated, and that she will return with reasonable dispatch to a Confederate port after her outward cargo shall be discharged, with a cargo consisting one-half of articles not prohibited by the laws of Confederate Government and the other half of such articles as the Government shall offer for shipment from such port, at the rate of freight hereinafter mentioned.

3. Each shipper of any portion of the cargo proposed to be laden on board the said vessel shall, before the lading thereof, make application to the collector for a permit to lade the same, which application shall declare the articles to be shipped and the quantity and value

thereof in Confederate currency, the port of destination, and the name of the consignee. A permit shall be granted by the collector if the application is deemed satisfactory. The lading shall be had under the inspection of a revenue officer, who shall be charged with the duty of seeing that the goods laden conform to the permit.

4. Before the completion of the lading on board or the granting a clearance each shipper of any portion of the cargo shall execute and deliver to the collector a bond to the Confederate States in double the value of his shipment in Confederate money, with security deemed adequate by the collector, with condition that at least one-half the net proceeds of said shipment shall be invested in goods or articles not prohibited by law, and that the said goods or articles shall be shipped by the same or some other vessel to the Confederate States within sixty days from the unlading of said cargo; or that the said half of the net proceeds shall be paid in coin or sterling exchange to the proper agent of the Confederate States, to be reimbursed to the shipper by the delivery to him of cotton at the port of departure in the Confederate States at the rate of 10 pence sterling per pound for middling uplands.

5. The freight to be paid by the Confederate States on all cotton and tobacco shipped from a Confederate port shall be 5 pence sterling per pound, payable on delivery at the port of destination in coin or sterling exchange. Return freight shall be at the rate of £25 per ton, payable on its delivery in the Confederate port, in cotton at 10 pence sterling per pound for middling uplands, and at a proportionate price for cotton of other qualities. In calculating the ton of freight by weight, 2,240 pounds shall be allowed; by measure, 40 cubic feet shall be allowed.

6. If the outward-bound vessel shall consent, at the request of the Government, to take two-thirds of her cargo for account of the Confederate States, the outward freight shall be 6 pence sterling per pound; and whenever the Government is not prepared to fill up any portion of the tonnage reserved for its use at the time at which any vessel may be made ready to sail, the owners may fill up the same on their own account; but no vessel shall, without consent of the Government, sail on her outward voyage until one-third of her cargo shall be laden for the use of the Government.

7. The rate of freight for articles other than cotton and tobacco shall be adjusted at the same relative rate and be payable in the same way.

8. The Government reserves the right to limit or prohibit the shipment of resin, turpentine, or any manufacture thereof, whenever deemed dangerous to its own shipment.

9. Upon the completion of the lading of the vessel, and before receiving her clearance, there shall be delivered to the collector, in addition to the usual manifest, another, setting forth the names, ages, and description of her officers and crew and of every passenger intending to sail in her. The said last-mentioned manifest shall be delivered to the commandant of the port, who shall thereupon cause the entire vessel to be searched, and if satisfied that the parties on board are persons who may safely be permitted to leave the Confederacy, and the passengers have the proper passports, he shall certify the same on the manifest and return the same to the collector, whereupon, and not before, a clearance shall be granted to the vessel, and she shall be permitted to sail.

10. The owners of each vessel and of each portion of a cargo sailing from a Confederate port shall be allowed to take up their respective

bonds by producing to the collector the certificate of the proper agent of the Confederate Government at the port of delivery, setting forth the particulars showing that the said party has complied with the obligation of the said bond so far as the same was practicable; and the collector, upon being duly satisfied, shall be authorized to surrender the said bonds.

11. Nothing in these regulations shall be so construed as to conflict with the proviso of the law which declares "that nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated on their own account;" nor shall a bond be required of a State in any case.

12. The penalties of all bonds executed in conformity with these regulations shall be recovered in full on proof of breach of the conditions of the bond, and without proof of any damage suffered by the Confederate States in consequence of such breach, and all bonds shall be executed in such force as to give effect to this regulation.

13. Vessels sent into the Confederacy for the purpose of exporting cotton received in payment of any Confederate bond or obligation shall be subject to these regulations only as far as relates to such portion of the tonnage, if any, as may remain vacant after the lading of the cotton received in payment as aforesaid.

14. The regulations for overland commerce with neutral countries will be issued separately within a few days.

Approved.

C. G. MEMMINGER,
Secretary of the Treasury.
JAMES A. SEDDON,
Secretary of War.

Approved March 5, 1864.

JEFF'N DAVIS.

GENERAL ORDERS, No. 29. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 5, 1864.*

I. The following acts of Congress are published for the information of the Army:

(1.)

AN ACT to prevent the procuring, aiding, and assisting persons to desert from the Army of the Confederate States, and for other purposes.

The Congress of the Confederate States of America do enact, That every person not subject to the Rules and Articles of War, who shall procure or entice a soldier or person enrolled for service in the Army of the Confederate States to desert; or who shall aid or assist any deserter from the Army, or any person enrolled for service, to evade their proper commanders, or to prevent their arrest to be returned to the service; or who shall knowingly conceal or harbor any such deserter; or shall purchase from any soldier or person enrolled for service any portion of his arms, equipments, rations or clothing, or any property belonging to the Confederate States or any officer or soldier of the Confederate States, shall, upon conviction before the district court of the Confederate States, having jurisdiction of the offense, be fined not exceeding one thousand dollars, and be imprisoned not exceeding two years.

Approved January 22, 1864.

(2.)

AN ACT to aid any State in communicating with, and perfecting records concerning its troops.

The Congress of the Confederate States of America do enact, That upon the application of the Governor of any of the Confederate States, the Secretary of

War be, and he is hereby, authorized to grant passports and transportation to an officer of such State, duly commissioned according to the law of said State, to communicate with its troops for such purposes, and at such times and places as shall be approved by the Secretary of War, and such officer shall be allowed to purchase for himself supplies from the commissary stores, on the same terms with officers of similar rank in the service of the Confederate States, and according to the regulations which govern them: *Provided*, Such supplies shall not exceed those which a colonel of the Confederate States is allowed to purchase: *Provided*, That these agents shall be charged with the duty of obtaining from the officers in command of companies, final statements of deceased soldiers, to be filed in the Second Auditor's Office, to facilitate the settlement of such claims.

Approved February 16, 1864.

(3.*)

(4.)

AN ACT creating the office of ensign in the Army of the Confederate States.

The Congress of the Confederate States of America do enact, That there shall be appointed by the President, to each regiment of infantry in the Army of the Confederate States an officer to be known as ensign, with the rank, pay and allowances of a first lieutenant, whose duty it shall be to bear the colors of the regiment, but without right to command in the field.

Approved February 17, 1864.

(5.)

AN ACT to authorize the promotion of officers, non-commissioned officers and privates for distinguished skill or valor.

The Congress of the Confederate States of America do enact, That the President is hereby authorized upon the recommendation of the general commanding a department or a separate army in the field, to fill any vacancy in the commissioned officers of a regiment or battalion, by the promotion to the same, by and with the advice and consent of the Senate, of any officer, non-commissioned officer or private who may have distinguished himself by exhibiting peculiar valor or skill on the battle-field: *Provided*, That the officer, non-commissioned officer or private so recommended and nominated for promotion, shall belong to the regiment or battalion in which the vacancy may have occurred.

SEC. 2. All acts and parts of acts in conflict with the above provisions are hereby repealed.

Approved February 17, 1864.

(6.)

AN ACT to amend the act entitled "An act to provide and organize engineer troops to serve during the war," approved twentieth March, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That the above-recited act be so amended that there shall be allowed to each regiment of engineer troops two quartermaster-sergeants.

Approved February 17, 1864.

(7.)

AN ACT to amend the acts of April first, eighteen hundred and sixty-two, and September twenty-third, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the acts approved twenty-first April, eighteen hundred and sixty-two, and twenty-third September, eighteen hundred and sixty-two, regulating the increase and rank of the Corps of Engineers of the Provisional Army, be amended to read as follows: That the President be, and he is hereby, authorized to appoint, with the advice and consent of the Senate, an additional number of officers in the Engineer Corps, of the Provisional Army: *Provided*, That the whole corps shall not exceed one hundred and twenty, and that the number of officers in each grade be limited to three colonels, four lieutenant-colonels, eight majors, forty-five captains, thirty-five first lieutenants, and twenty-five second lieutenants.

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* Relates to the sustenance of prisoners of war, and is published in Series II, Vol. VI, p. 964.

SEC. 2. There may be appointed six military store-keepers, with the pay and allowances of captain of infantry, who shall give such bond for the faithful performance of their duty as may be prescribed by the Secretary of War: *Provided*, That the said store-keepers shall be appointed from persons who are disqualified for active service by reason of wounds received in the military service, or disease contracted whilst in the Army, or from persons over forty-five years of age.

Approved February 17, 1864.

(8.)

AN ACT to amend an act entitled "An act to provide and organize engineer troops to serve during the war," approved March twentieth, one thousand eight hundred and sixty-three.

The Congress of the Confederate States of America do enact, That an act "to provide and organize engineer troops to serve during the war," approved twentieth March, one thousand eight hundred and sixty-three, be amended to read as follows: That there shall be selected, in such manner as the Secretary of War may direct, from each division of infantry in service, or from every twelve regiments when not formed into divisions, one company of engineer troops, to consist of one hundred men, chosen with a view to their mechanical skill and physical fitness, and that the men assigned to such company shall be required to serve in the same only during the balance of their term of service respectively. These companies may be formed or recruited from conscripts and volunteers.

SEC. 2. That each company shall consist of eight sergeants, seven corporals, forty artificers and forty-five laborers, and that two musicians may be added.

SEC. 3. That the commissioned officers of each company shall consist of one captain, one first lieutenant and two second lieutenants; and that the original vacancies in these companies shall be filled by the transfer of officers of corresponding grade from the Engineer Corps, if practicable, and where not, then from the other corps or from the line or staff of the Army, reference being always had to their qualifications as engineers, or by selection; but no one shall be selected who is not now serving in or with the Army, unless he is a military or civil engineer.

SEC. 4. That the companies shall be organized into regiments of ten companies each, and that the field and staff officers shall consist of one colonel, one lieutenant-colonel, one major, one adjutant with the rank of first lieutenant, one quartermaster-sergeant, and one sergeant-major; and that the original vacancies in the regiments shall be filled in the manner provided for filling the same in the companies by the third section of this act.

SEC. 5. That in each regiment two of the companies shall be assigned to duty as pontoniers, and each be furnished with a bridge train complete.

SEC. 6. That the officer in charge of the Engineer Bureau, subject to the approval of the Secretary of War, shall prescribe the number, form, and dimensions of the wagons, pontoons, trestles, tools, implements, arms and other necessaries for all the troops organized by this act.

SEC. 7. That vacancies in the established regiments to and including the rank of captain, shall be filled by promotion regimentally, according to seniority, except in case of disability or other incompetency. The field officers shall be appointed by selections from the captains of the regiments or battalions, except in the case of original appointment or vacancy caused by promotion to original vacancy of higher rank.

SEC. 8. That the monthly pay of the engineer troops shall be as follows: Of a colonel, two hundred and ten dollars; of a lieutenant-colonel, one hundred and eighty-five dollars; of a major, one hundred and sixty-two dollars; of a captain, one hundred and forty dollars; of a first lieutenant, one hundred dollars; of a second lieutenant, ninety dollars; and the adjutant shall receive ten dollars per month in addition to his pay as lieutenant.

SEC. 9. That the pay of the enlisted men per month shall be as follows: The sergeant-major and quartermaster-seageant, each thirty-four dollars; sergeants, thirty-four dollars; corporals, twenty dollars; artificers, seventeen dollars; laborers and musicians, thirteen dollars.

SEC. 10. The mounted engineer troops may be selected from the cavalry, and be organized according to the provisions of this act, for engineer troops, as hereinbefore specified.

SEC. 11. Officers of the Engineer Corps and of the engineer troops of the Provisional Army of equal rank may, with mutual consent, be transferred: *Provided*, The relative rank of no officer of either corps be prejudiced thereby.

Approved February 17, 1864.

(9.)

AN ACT to amend the Sixty-fifth Article of War.

The Congress of the Confederate States of America do enact, That the Sixty-fifth Article of War be so amended as to read as follows: Article sixty-five. Any general officer commanding an army or commanding a force of cavalry not with and under the immediate command of the commander of an army, or other officer commanding a separate department, may appoint general courts-martial whenever necessary. But no sentence of a court-martial shall be carried into execution until after the whole proceedings shall have been laid before the officer ordering the same, or the officer commanding the troops for the time being; neither shall any sentence of a general court-martial in time of peace, extending to the loss of life, or the dismission of a commissioned officer, or which shall, either in time of peace or war, respect a general officer, be carried into execution until after the whole proceedings shall have been transmitted to the Secretary of War, to be laid before the President of the Confederate States for his confirmation or disapproval and orders in the case. All other sentences may be confirmed and executed by the officer ordering the court to assemble, or the commanding officer for the time being, as the case may be.

Approved February 17, 1864.

(10.)

AN ACT to amend an act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts."

The Congress of the Confederate States of America do enact, That the act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts," be so amended as to authorize the President to establish one in North Alabama, which shall sit at such times and places as said court may direct, and shall have all the powers and jurisdiction given to said military courts by said act; but the judges thereof shall give ten days' notice of the times and places of holding said courts before the same are held: *Provided, however*, That said court shall cease to exist after one year from the passage of this act, unless longer continued by Congress.

Approved February 13, 1864.

(11.)

AN ACT to authorize the President to establish additional military courts.

The Congress of the Confederate States of America do enact, That in addition to the military courts now authorized by law, the President be, and he is hereby, authorized to appoint a military court to attend any division of cavalry in the field, and also one for each State within a military department, whenever, in his judgment, such courts would promote the public interest; which courts shall be organized, and have the same powers and duties, and the members thereof appointed as provided by law.

Approved February 16, 1864.

(12.)

AN ACT to amend an act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts," approved October ninth, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That when two or more army corps are united in the same army, charges shall be referred to said courts, and their proceedings be subject to review by the army commander, as in the case of general courts-martial; and that the jurisdiction of each of said courts shall extend to any person connected with the army of which the corps to which the court is attached may be a part, without being limited to members of the particular corps to which said court may be attached.

SEC. 2. That when the corps to which any military court may be attached shall, from any cause, cease to exist as such, the Secretary of War shall assign the members and officers of such court to any other unsupplied corps, or other subdivision of any of the armies of the Confederate States, where a military court may be needed; and exchanges and transfers of individual members and officers from any one court to another, may be made by the Secretary of War, on application of the parties concerned; the consent of the commander or commanders of the army or armies to which the particular courts may belong having been first obtained to such exchange or transfer.

SEC. 3. That the fourth section of the act of which this is amendatory be, and the same is hereby, so amended as to extend the jurisdicton of the military courts to all offenders below the grade of lieutenant-general.

Approved February 17, 1864.

(13.)

AN ACT to confer additional powers upon courts-martial and military courts.

The Congress of the Confederate States of America do enact, That any military court or court-martial convened within the Army of the Confederate States shall have power to summon as a witness before it any citizen of the State in which said court may, at the time, hold its session; and any citizen disobeying said summons, upon information given thereof by the judge-advocate of said military court or court-martial to the judge of the district court of the Confederate States for the district in which said citizen may reside, shall be subject to the same penalties as for disobedience of an order of said district court; or, on application of the judge-advocate, such citizen witness may, by military force, be arrested and brought before said military court or court-martial by order of the commander of the Army, and may be held in close confinement until he or she shall consent to testify.

SEC. 2. That any citizen witness appearing upon being summoned, as provided in this act, shall be paid such reasonable amount for his or her attendance as the commander of the Army shall deem reasonable, which payment shall be made by any paymaster, upon the certificate of said commander, specifying the amount.

Approved February 17, 1864.

(14.)

AN ACT to authorize commanders of corps and departments to detail field officers as members of military courts, under certain circumstances.

The Congress of the Confederate States of America do enact, That commanders of corps and departments be, and they are hereby, authorized to detail field officers as members of military courts, whenever any of the judges of said courts shall be disqualified by consanguinity or affinity, or unable, from sickness or other unavoidable cause, to attend said courts.

Approved February 6, 1864.

(15.)

AN ACT to amend an act entitled "An act to punish drunkenness in the Army," approved April twenty-first, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That the jurisdiction conferred upon courts of inquiry in the act above recited is hereby repealed, and the said jurisdiction is hereby conferred, for the punishment of the offence therein named, upon the military courts and general courts-martial convened in the Army of the Confederate States; and the proceedings therein shall be subject to review as in other cases.

SEC. 2. That any citizen of the Confederate States is hereby authorized to make report of any violation of the provisions of the act to which this is an amendment, in the same manner as officers of the Army are now required to do.

SEC. 3. Upon any trial for drunkenness, it shall be lawful to prove, without special charge, that the accused is of intemperate habits; and if the court shall find that he is of such habits, he shall be cashiered or otherwise punished, at the discretion of the court.

Approved February 17, 1864.

(16.)

AN ACT to authorize the organization of auxiliary bureaus of the War Department west of the Mississippi River.

The Congress of the Confederate States of America do enact, That under the direction of the President, such bureaus or agencies of the War Department may be organized west of the Mississippi River as the public service may require, which shall be auxiliary to the similiar bureaus of said Department established by law, and shall perform such duties as may be directed by instructions from the Secretary of War, or the general commanding in the Trans-Mississippi Department, acting under the authority of the War Department.

SEC. 2. Such staff officers and clerks may be assigned to duty, or appointed by the President in these bureaus, as may be necessary for the service; and under authority from the President, the general commanding in the Trans-Mississippi Department may assign such officers to duty, or make appointments therein, subject to the approval of the President: *Provided*, That no clerk employed under this act shall be allowed a salary exceeding $2,000 per annum, or be liable to military duty.

Approved February 17, 1864.

(17.)

AN ACT authorizing chaplains, in certain cases, to draw forage for one horse.

The Congress of the Confederate States of America do enact, That chaplains in the Army, in actual service in the field, shall be entitled to draw forage for one horse: *Provided*, The chaplain has a horse in his use.

Approved January 22, 1864.

(18.)

AN ACT relating to the appointment of a general and lieutenant-generals.

The Congress of the Confederate States of America do enact, That the President may appoint one general in the Provisional Army of the Confederate States, when, in his discretion, it shall be deemed necessary and proper, for the command of the Trans-Mississippi Military Department, by and with the advice and consent of the Senate.

SEC. 2. That the President may, by and with the advice and consent of the Senate, appoint lieutenant-generals in the Provisional Army of the Confederate States, when, in his discretion, it shall be deemed necessary for the command of any one of the military departments.

SEC. 3. That the officers appointed under the provisions of this act, shall continue to hold the rank herein provided, so long as they shall efficiently discharge the duties in command of said several departments, and no longer, but will resume thereafter their former rank in the service.

Approved February 17, 1864.

(19.)

A BILL to repeal an act to organize bands of partisan rangers, approved April twenty-first, eighteen hundred and sixty-two, and for other purposes.

The Congress of the Confederate States of America do enact, That the act of Congress aforesaid be, and the same is hereby, repealed: *Provided*, That organizations of partisan rangers acting as regular cavalry at the passage of this act, shall be continued in their present organization: *Provided*, They shall hereafter be considered as regular cavalry and not as partisan rangers.

SEC. 2. That all the bands of partisan rangers organized under the said act, may, as the interests of the service allow, be united with other organizations, or be organized into battalions and regiments, with the view to bringing them under the general conditions of the Provisional Army as to discipline, control and movements, under such regulations as the Secretary of War may prescribe.

SEC. 3. The Secretary of War shall be authorized, if he deems proper, for a time, or permanently, to except from the operation of this act such companies as are serving within the lines of the enemy, and under such conditions as he may prescribe.

Approved February 17, 1864.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 54.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 5, 1864.

I. The following act of Congress and the joint resolution construing the same are published for the information of all concerned:

AN ACT to increase the compensation of certain civil officers and employés in the President's Office and in the Executive and Legislative Departments, at Richmond, for a limited period.

The Congress of the Confederate States of America do enact, That the salaries and compensation of all civil officers and employés in the President's Office, and in

the Executive and Legislative Departments, at Richmond, whose compensation or salaries do not exceed the sum of $2,000 per annum, shall be increased from the passage of this act to the 15th of May, 1864, at the rate of 100 per cent. per annum: *Provided*, The same shall not be thereby increased beyond the rate of $3,000 per annum; and the salaries of all said officers whose compensation is above $2,000, and does not exceed the sum of $3,000 per annum, shall, for the same period of time, be increased at the rate of 50 per cent. per annum; but it is hereby expressly declared that the increased compensation provided for by this act, shall not be paid to any officer or employé in any Executive Department of the Government, who is liable to perform military duty, or is able to bear arms in the field, unless such officer or employé shall first obtain a certificate from the head of the department in which he is engaged, that his services are absolutely necessary to the Government, and that his place cannot be supplied by any one known to the head of the department who is not subject to military duty, which said certificate shall be filed with the Secretary of the Treasury before the money is paid; and it shall be the duty of the said Secretary, at the beginning of each session, to communicate a list of all such certificates to Congress: *Provided*, That no clerk who, by virtue of a military commission, receives rations, or commutation of rations, shall be entitled to the benefits of this act.

Approved January 30, 1864.

JOINT RESOLUTION construing an "Act to increase the compensation of civil officers and employés in the President's Office and in the Executive and Legislative Departments, at Richmond, for a limited period," approved January 30, 1864.

Resolved, That the "Act to increase the compensation of certain civil officers and employés in the President's Office and in the Executive and Legislative Departments, at Richmond, for a limited period," approved January 30, 1864, be, and the same is hereby, construed so as to embrace soldiers detailed for clerical duty in Richmond.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

NITER AND MINING BUREAU,
Richmond, Va., March 5, 1864.

Capt. WILLIAM GABBETT,
Supt. Districts Nos. 8 and 9, Blue Mountain, Ala.:

The attention of district superintendents of the niter and mining service is called to General Orders, Nos. 18 and 26, current series.

In all districts exposed to the enemy a military organization, with simple drill for an irregular force moving rapidly, will be arranged by each superintendent, to embrace all the workmen who can be conveniently assembled on short notice. To retain unquestioned control over the men it is essential that each superintendent should command as field officer, always bearing in mind that "military orders must be subordinate to work." Beyond this the organization will conform as closely as possible to the "local defense act." Arms will be furnished on requisition.

When such organization is completed the superintendent will report the fact to the general commanding district or department, and, representing the urgent requisitions for ordnance stores upon the niter and mining service, will state the wish of the Secretary of War that their force shall only be called off in extreme cases and returned at the earliest moment.

All interruptions of work in violation of General Orders, No. 18, will be promptly reported for the action of the Secretary of War, with a concise statement of names, dates, and facts. To the officer so offending, if claiming to act under superior orders, a calm protest

will be made, if possible in writing, fixing a distinct responsibility upon his actions for damage thereby inflicted upon the service. At the same time all reasonable aid will be extended to officers of the enrolling service acting in the proper discharge of their duties.

Special attention is directed to the absence of restriction upon the labor of the niter and mining service in the act "to organize forces for the war."

The officers of this service, thus placed upon honor, are expected to exercise unusual vigilance in sending to the Army every man that can possibly be spared by substituting therefor exempt and negro labor. Clerical work must be performed by those who cannot render field service, special care being taken to employ, where practicable, refugee ladies in needy circumstances.

In all these arrangements results must first be studied. Returns of material must be increased, not diminished. Where this can be done by substituted labor especial credit will be awarded, but until the Secretary of War shall see proper to recall the conscript labor at present employed usefully and effectively, the superintendent can continue existing arrangements rather than risk a deficient supply.

The charge indicated in these instructions calls for a peculiar degree of devotion and personal forbearance. While the frequent misappreciation of labors so important is deeply to be regretted, yet, under the orders of the Secretary of War, it remains for the corps to press on quietly, resolutely, and most earnestly in the effort to do double duty during the present critical campaign.

I. M. ST. JOHN,
Lieutenant-Colonel and Chief of Bureau.

ATLANTA, *March 5, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: In obedience to your instructions I returned home after the adjournment of Congress and proceeded at once to encourage the raising and organization of volunteer companies, battalions, and regiments, to be composed of persons between seventeen and eighteen and forty-five and fifty years of age, under the late military bill for State defense, &c. I wrote Governor Brown, asking his co-operation, and inclose herewith an exact copy of his reply, from which it appears that the question of the propriety of the proposed organization of this class of troops will be submitted to the Legislature, soon to assemble in extra session. In my efforts to get volunteers I find the young men disposed to come promptly forward, but the men over forty-five, with few exceptions, refuse to volunteer, giving as a reason that it will be time enough to do so when called out by order of the President. In view of this state of affairs I beg to suggest that it would greatly facilitate volunteering if the President would issue his order allowing a limited time within which to volunteer, and upon failure to do so to be enrolled. I have about twenty companies in process of organization, and hope to be able to send you before the expiration of the present month the muster-rolls of two or more regiments. Please send me such instructions as may be necessary, and if deemed advisable submit this letter and inclosure to the President.

With sentiments of highest esteem,

I have the honor to be, very respectfully, your obedient servant,

LUCIUS J. GARTRELL.

[First indorsement.]

MARCH 12, 1864.

Respectfully submitted to the President for information as to the views of Governor Brown, of Georgia, in relation to the reserve forces.

J. A. S.,
Secretary.

[Second indorsement.]

The law is our guide. Has not the call been made and a term allowed for voluntary organizations?

J. D.

[Third indorsement.]

MARCH 19, 1864.

To Conscript Bureau with the President's inquiry and report for reply.

J. A. S.,
Secretary.

[Fourth indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, March 24, 1864.

Respectfully returned to the Secretary of War, and attention invited to paragraph XIX of Circular No. 8, from this Bureau.

JNO. S. PRESTON,
Colonel and Superintendent.

[Inclosure.]

MILLEDGEVILLE, *March 1, 1864.*

Col. L. J. GARTRELL:

DEAR SIR: In reply to your letter I state that I can make no statement about the enrollment of men between forty-five and fifty till I know the pleasure of the Legislature soon to assemble. When last in session they passed an act directing me to have enrolled all such for State defense, and I do not know that they will recognize the right of the Confederate Government now to take them all out of the hands of the State. If conscription is legal and constitutional, as our courts hold, for raising armies in the proper sense of that term, it does not follow that Congress is authorized to take into its own hands the internal police regulations of the States and deprive the States of the power to execute their own laws or to suppress internal insurrections.

I am, very respectfully, &c.,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 5, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

SIR: I have the honor to acknowledge your letter of the 29th ultimo relative to an apprehended collision between the Confederate and State authorities in the enforcement of the recent law of Congress abolishing conscription. You cannot deprecate more a collision of such a character, nor be more anxious to avoid it, than myself, and yet I am unable to perceive how naturally or rightfully, in the enforcement of the law, such collision can occur.

The decision of Judge Pearson on the constitutionality of the law abolishing substitution appears, to my humble judgment, strange and clearly incorrect, and, being contrary to the general course of decision and received opinion, and only in a case at chambers, cannot be considered as settling the law. An appeal has therefore been directed in the particular case, and the enrolling officers directed to proceed in enrolling under the law. Judge Pearson's decision, found even inaccurate, is, of course, until reversed, the law of the particular case, and will be respected as such. No effort will therefore be made to arrest or enroll the man temporarily discharged by him, and how then can any possible obligation be imposed on you to execute the judgment or protect that man? You have, I presume, been inaccurately informed, or have incorrectly presumed the action of the enrolling officers would be against that man. In other cases arising under that special law, or others imposing military service, when persons seeking to avoid military service sue out writs of habeas corpus, officers are instructed not to appear with the person, but to make return according to the precise and clear provision of the late law, that the person is held by authority of the President for attempting to avoid military service. The act, then, by its plain language, not susceptible of doubt or misconstruction, suspends the writ so long as the writ is in force. It cannot be presumed that any judge will be guilty of the judicial usurpation of disregarding such return and attempt to enforce the writ. Should such assumption be practiced, collision would only result from the wanton, unauthorized attempt by violence to take from the Confederate officer the person of the petitioner, or to take the officer himself for punishment. In such event the State authorities could clearly not be justified in such acts of aggressive violence, and it is not deemed necessary to advert to what, under his oath of office, would be the plain duty of the President to see to the due enforcement of the laws and the protection of Confederate officers acting in conformity to them. You will the more readily appreciate this obligation, because in another aspect, under a mistaken conception of the proposed action of the Confederate Government, you have seen no alternative to the discharge of a kindred duty.

In view of the facts as they exist, and of the proposed action of the Confederate Government, I trust all apprehension of collision may be dismissed, and yet there will not be the necessity of foregoing, during the ensuing critical campaign (on which the civil liberties of all may depend), the services of a considerable number of efficient soldiers, which the arrangement you suggest would withdraw, to await a judicial adjudication, which, I am happy to think, cannot be doubtful.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 30.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 7, 1864.

I. The following act of Congress concerning impressments, and the instructions of the War Department respecting it, are published for the information and direction of all concerned:

AN ACT to amend "An act to regulate impressments," approved March twenty-sixth, eighteen hundred and sixty-three, and to repeal an act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That in all cases where property is impressed for the use of the Army or Navy, or for other public

use, under said act, the same shall be paid for at the time of said impressment, unless an appeal shall be taken from said valuation, as hereinafter provided, according to the valuation agreed upon between the parties, or ascertained by loyal and disinterested citizens of the city, county, or parish in which the impressment may be made, in the manner and according to the regulations provided in the first, second, and third sections of the above-recited act, or in the eighth section thereof, where it is applicable.

SEC. 2. Whenever the officer making the impressment of property, under the act hereby amended, shall believe that the appraisement is fair and just, he shall indorse his approval upon the appraisement, and make payment accordingly; but if he shall believe that it is not fair and just, then he shall refuse to approve, and indorse the reasons of his refusal on the certificate, and shall have the right to appeal from the decision of the appraisers, by reporting the case to the commissioners appointed under said act, to which this is an amendment, for their decision, whose judgment shall be final, and in the meantime the property shall be held and appropriated by the officer impressing the same, who shall give a receipt therefor to the owner, who shall also have the right of appeal, as herein provided.

SEC. 3. The said commissioners shall have power to summon and examine witnesses to enable them to fix the value of property impressed, which shall be a just compensation for the property so impressed, at the time and place of impressment, and when the commissioners shall have fixed the value of property in cases of appeal, they shall furnish the owner and impressing officer with a statement of such value, which valuation by the commissioners shall be within three months from the time of impressment.

SEC. 4. That said commissioners shall be sworn faithfully to discharge all their duties under this act, and the act to which this is an amendment.

SEC. 5. That the tenth section of the act, to which this is an amendment, be stricken out, and the following inserted instead thereof: "No slave laboring on a farm or plantation exclusively devoted to the production of grain or provisions, shall be taken for public use without the consent of the owner, except in case of urgent necessity, and upon the order of the general commanding the department in which said farm or plantation is situated."

SEC. 6. That the act amendatory of the above-recited act, approved April twenty-seventh, eighteen hundred and sixty-three, and so much of the first section of said act as requires an affidavit to be made by the owner or his agent, that such property was grown, raised or produced by said owner, or held, or has been purchased by him, not for sale or speculation, but for his own use or consumption, be, and the same is hereby, repealed.

SEC. 7. That no impressment shall be made under this act, or the act to which this is amendatory, for the use or benefit of contractors with the Government.

SEC. 8. Nothing in this act shall be construed to authorize the impressing officer to enter an appeal from any decision of the local appraisers, under the seventh section of the act to which this is amendatory.

Approved February 16, 1864.

II. Impressments according to this act, and the act to which this is an amendment, may be made for necessary supplies for the Confederate armies in the field, and for their accumulation in magazines and at posts and depots, and to carry on the various operations of the military bureaus connected with the War Department, whenever the same cannot be obtained by contract.

III. They may be made under orders from the generals commanding armies, departments, corps, divisions, and by commanders of detached parties, when a necessity arises therefor. These orders may be executed by appropriate officers of the staff belonging to the army. The chiefs of the various bureaus will designate the officers and persons who shall be competent to make impressments under the authority conferred upon them.

IV. Before any impressment shall be made the impressing officer or his agent will make an offer to the owner, his bailee or agent, in writing, for the purchase of the property, describing the property he wishes to purchase, the price he is willing to pay, and the mode of payment, and stating that upon a refusal to accept the same compensation will be made according to the acts of Congress for the regulation

of impressments. This notice will be considered as binding the property until the completion of the negotiation for the sale and transfer of the same to the impressing officer. The property will remain in the custody of the owner and at his risk during the pending of these proceedings, unless a delivery of the same be thereupon made to the impressing officer, with his consent. In case of a change of possession under these circumstances, the Confederate States will be regarded as the owner and the property held for its use and at its risk.

V. In all cases in which the offer of an impressing officer is refused he will proceed to adjust the price according to the first section of the act above recited; that is, by the judgment of two loyal and disinterested persons of the city, county, or parish in which the impressment may be made—one to be selected by the owner, his bailee or agent, and one by the impressing officer. In the event of their disagreement, these two will select an umpire of like qualification. The persons thus selected will proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temporary use thereof be required. If the impressing officer believes that the appraisement is fair and just, he will indorse his approval and pay for the property, and the right in the object impressed will become the property of the Confederate States. But if he does not approve of the appraisement, he will decline to approve it, and indorse the reasons for his refusal on the certificate, and forthwith report the case to the commissioners appointed under the fifth section of the act to which the act above recited is an amendment; and in the meantime the property will be taken and a receipt, describing the property and the proceedings for the adjustment of the price and the appeal, given to the owner. The impressing officer will immediately report the case to the appraisers, with a statement of the quality and condition of the property, and his opinion upon the subject.

VI. No officer or agent will impress the necessary supplies which any person may have for the consumption of himself, his family, employés, or slaves, or to carry on his ordinary mechanical, manufacturing, or agricultural employments.

If any question arise as to the fact whether the supplies are necessary, or whether there be a surplus, it will be determined by appraisers mutually selected according to the preceding section, and in this case the decision of the appraisers will be binding on the officer, who will not be allowed an appeal therefrom.

VII. These regulations are published as a substitute for the regulations contained in General Orders, Nos. 37 and 161, series of 1863.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *March 7, 1864.*

Hon. THOMAS BRAGG,
Raleigh, N. C.:

DEAR SIR: I have to thank you for your two letters of the 23d and 28th ultimo on the subject of the decision of Judge Pearson in North Carolina.* After very careful consideration I cannot see my way clear to any other course than a firm but temperate execution of the

*Not found.

acts of Congress for recruiting the Army by enrolling and placing in the service all the men liable to military duty in North Carolina in the same manner and to the same extent as in other States. To yield to any exceptional arrangement by which conscripts in that State shall be kept out of the field until the stress of the impending campaign is passed necessarily involves the result of creating wide and well-founded dissatisfaction in all the other States and in the Army. It would also be a dereliction of duty, for I cannot see that there is any great or pressing necessity which would justify me in refraining from the execution of the law until the will of Congress on the subject could be expressed. It is only in case of such necessity that my sense of duty would permit me to postpone temporarily the execution of any law. The decision of Judge Pearson releasing the conscript in the case before him will of course be respected until the action of the appellate court, for the case was before him prior to the passage of the law suspending the writ of habeas corpus; and although I do not believe that his decision is right, the public interest will not suffer by awaiting the result of the appeal in the one case before him. But I understand that both the other judges of the supreme court of North Carolina have refused writs of habeas corpus since the passage of the law and since Judge Pearson's decision, on the express ground that the act of Congress covers the case of the principals of substitutes, and thus we know that the appellate court will reverse the decision of Judge Pearson. The court of appeals of Virginia has just given an elaborate and unanimous opinion confirming the legislation of Congress as constitutional. In other States like decisions have been rendered, and if, under such circumstances, Judge Pearson should pursue the factious course you anticipate, and should attempt (in defiance of the very words of the law which I am sworn to execute) to put a Confederate officer in prison for contempt for making the exact return to a writ of habeas corpus which the law orders to be made, and which the law says should be sufficient to stop any further action of the judge, I shall not shrink from the issue. I am confident that it will be impossible to mislead or deceive the people of North Carolina on so plain a point, and with this conviction you will see that it is not possible for me to sanction any arrangement which practically relieves for several months the whole body of principals in North Carolina that have furnished substitutes from the operation of a law passed on my own recommendation, and which has already produced such salutary effects in the Army.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 8, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

SIR: Your letter of the 29th ultimo, addressed to the Secretary of the Treasury, proposing that a commission be appointed to inquire of the depredations committed by the Fiftieth Regiment of the North Carolina Troops, and to allow the amount of loss sustained by any citizen to be credited on the claim of the Treasury for taxes, has been referred by him to this Department "for consideration and reply." The only reply this Department can make is that it has no authority

to comply with the terms of the proposition. All that this Department can do is to direct an inquiry to be made for the purpose of ascertaining the persons who have committed the injuries and to control their pay and allowances for the purpose of affording compensation if they belong to the service.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[MARCH 9, 1864.—For Lee to Seddon, in reference to organization of minute men in the counties bordering on the Alleghany Mountains in Virginia, &c., see Series I, Vol. XXXIII, p. 1212.]

SPECIAL ORDERS, No. 57. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 9, 1864.*

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VI. During the absence of General Gilmer from Richmond Maj. Gen. M. L. Smith is assigned to duty as chief of the Engineer Bureau, and will report immediately in this city.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 9, 1864.

Mr. Thomas E. Courtney is hereby authorized to employ a band of men, not exceeding twenty-five in number, for secret service against the enemy, who will not be liable to conscription while so employed. The band shall operate according to the rules and regulations of this Department for such organizations, and under the restrictions contained herein or that may be prescribed hereafter. This authority may be revoked or the organization disbanded at any time at the pleasure of this Department. Such work as may be necessary may be executed at the workshops of this Department, and powder, chemicals, &c., be furnished. The work and materials furnished to be paid for at the cost thereof to the Government. Transportation for his men and materials will be furnished. The services to be rendered shall be without pay or compensation other than as herein provided.

For the destruction of property of the enemy or injury done, a percentage shall be paid in 4 per cent. bonds, in no case to exceed 50 per cent. of the loss to the enemy, and to be awarded by such officer or officers as shall be charged with such duty by this Department.

The waters and railroads of the Confederate States used by the enemy are properly the subjects and arenas of operations against the enemy's property, whether public or private. Passenger vessels of citizens of the United States on the high seas and private property in the waters and [on] railroads, or within the territory of the United States, is not to be the subject of operations, except as to such articles being the growth and production of the Confederate States as may have been thence removed to the United States. But the public property of the enemy may be destroyed wherever it may be found.

While flag-of-truce boats pass between any point within the lines of the enemy to any point within the Confederate lines no torpedo or other engine of destruction shall be so placed or used as to endanger their safety.

JAMES A. SEDDON,
Secretary of War.

[MARCH 9, 1864.—For Vance to Davis, in relation to affairs in North Carolina, see Series I, Vol. LI, Part II, p. 830.]

GENERAL ORDERS, No. 31. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 10, 1864.*

I. The following act of Congress, "for the suspension of the writ of habeas corpus in certain cases," with the instructions of the War Department, is published for the information of all concerned:

AN ACT to suspend the privilege of the writ of habeas corpus in certain cases.

Whereas, the Constitution of the Confederate States of America provides, in article first, section nine, paragraph three, that "the privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require it;" and whereas, the power of suspending the privilege of said writ, as recognized in said article first, is vested solely in the Congress, which is the exclusive judge of the necessity of such suspension; and whereas, in the opinion of the Congress, the public safety requires the suspension of said writ in the existing case of the invasion of these States by the armies of the United States; and whereas, the President has asked for the suspension of the writ of habeas corpus, and informed Congress of conditions of public danger which render the suspension of the writ a measure proper for the public defence, against invasion and insurrection: Now, therefore,

The Congress of the Confederate States of America do enact, That during the present invasion of the Confederate States, the privilege of the writ of habeas corpus be, and the same is hereby, suspended; but such suspension shall apply only to the cases of persons arrested or detained by order of the President, Secretary of War, or the general officer commanding the Trans-Mississippi Military Department, by the authority and under the control of the President. It is hereby declared that the purpose of Congress in the passage of this act is to provide more effectually for the public safety, by suspending the writ of habeas corpus in the following cases, and no others:

First.—Of treason, or treasonable efforts or combinations to subvert the Government of the Confederate States.

Second.—Of conspiracies to overthrow the Government, or conspiracies to resist the lawful authorities of the Confederate States.

Third.—Of combining to assist the enemy, or of communicating intelligence to the enemy, or giving him aid and comfort.

Fourth.—Of conspiracies, preparations and attempts to incite servile insurrection.

Fifth.—Of desertions or encouraging desertions, of harboring deserters, and of attempts to avoid military service: *Provided*, That in cases of palpable wrong and oppression by any subordinate officer, upon any party who does not legally owe military service, his superior officer shall grant prompt relief, to the oppressed party, and the subordinate shall be dismisssd from office.

Sixth.—Of spies and other emissaries of the enemy.

Seventh.—Of holding correspondence or intercourse with the enemy, without necessity and without the permission of the Confederate States.

Eighth.—Of unlawful trading with the enemy, and other offenses against the laws of the Confederate States, enacted to promote their success in the war.

Ninth.—Of conspiracies or attempts to liberate prisoners of war held by the Confederate States.

Tenth.—Of conspiracies, or attempts or preparations to aid the enemy.

Eleventh.—Of persons advising or inciting others to abandon the Confederate cause, or to resist the Confederate States, or to adhere to the enemy.

Twelfth.—Of unlawfully burning, destroying or injuring, or attempting to burn, destroy or injure, any bridge or railroad, or telegraphic line of communication, or other property, with the intent of aiding the enemy.

Thirteenth.—Of treasonable designs to impair the military power of the Government, by destroying or attempting to destroy, the vessels or arms, or munitions of war, or arsenals, foundries, workshops or other property of the Confederate States.

SEC. 2. The President shall cause proper officers to investigate the cases of all persons so arrested or detained, in order that they may be discharged, if improperly detained, unless they can be speedily tried in the due course of law.

SEC. 3. That during the suspension aforesaid, no military or other officer shall be compelled, in answer to any writ of habeas corpus, to appear in person, or to return the body of any person or persons detained by him by the authority of the President, Secretary of War, or the general officer commanding the Trans-Mississippi Department; but upon the certificate, under oath, of the officer, having charge of any one so detained, that such person is detained by him as a prisoner, for any of the causes hereinbefore specified, under the authority aforesaid, further proceedings under the writ of habeas corpus shall immediately cease and remain suspended so long as this act shall continue in force.

SEC. 4. This act shall continue in force for ninety days after the next meeting of Congress, and no longer.

A true copy:

JAMES M. MATTHEWS,
Law Clerk,

Approved February 15, 1864.

II. There will be appointed by this Department, for each military department of the Confederacy east of the Mississippi River, one or more competent persons as commissioners to investigate the cases of persons who may be arrested or detained by any military authority for any cause specified within the above-recited act. Information of all such arrests will be given to him by the department commander as soon as practicable after they are made, and he will proceed to investigate the same. If, upon examination, a reasonable and probable cause for detention does not appear, he will certify the fact to the general or other officer in command, who will immediately discharge the prisoner from arrest; but if a reasonable and probable cause does appear, the commissioner will forthwith transmit to this department a copy of the evidence taken in the case, with his opinion thereon, for instructions, and meanwhile the prisoner shall remain in custody.

III. In all cases in which a person who has been enlisted in the Army under any of the acts of Congress to provide for the public defense, or to raise troops to serve during the war, or to provide for local defense and special service, or who has been enlisted or enrolled for service under the acts of Congress further to provide for the public defense, or has been placed in the military service by the act of Congress to organize forces to serve during the war, approved 17th of February, 1864, or shall be held in custody for desertion or encouraging desertions, of harboring deserters, and of attempts to avoid military service, or of holding correspondence or intercourse with the enemy without necessity and without the permission of the Confederate States, or of combining to assist the enemy, or of communicating intelligence to the enemy, or of giving him aid and comfort, or for any other cause specified in the act aforesaid; and in all cases in which any person not belonging to the military service shall be held in custody by any military authority for any of the causes mentioned in the act shall apply to any court or officer in the Confederate States for a writ of habeas corpus, it will be the duty of the officer having the command or custody of such person forthwith to report the case, with all the relevant facts, to the War Department for instructions as

to the proper answer to be made to such writ, and in the meantime to retain the custody and control of such person under this order, a copy of which will be communicated to the officer or court issuing the writ, as affording the reason why time should be given to make a more complete return.

IV. In all cases when the requisite delay cannot be obtained, it will be the duty of the officer having command and custody of persons embraced in the preceding section, or who may have in custody as prisoners any person charged under any of the sections of the above-recited act of Congress, to make a special return in writing and under oath that the body of such person so detained by him is detained by the authority of the Secretary of War, and that he declines, under and by virtue of his authority and the act of Congress aforesaid, to produce the body of such person, or to make further appearance or return to the said writ.

V. The commanding general of the Trans-Mississippi Department will perform the functions devolving upon the War Department, under these orders, in that portion of the Confederacy.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 10, 1864.

His Excellency M. L. BONHAM,
Governor of South Carolina, Columbia, S. C.:

SIR: I have received your letter of the 2d instant with regard to the discharge of soldiers appointed cadets in the military academy and inclosing resolutions of the Legislature of your State by the appointment of such cadets.

In reply I have the honor to say that the State cadets appointed by Your Excellency in pursuance of the resolutions of the General Assembly will be permitted to attend such military institutions within the State as may be designated by you. I had not previously been aware of the limited scope of the appointing power, or that when applied to youths in service it was intended as a reward for peculiar merit. At the same time, as many other States have military institutions, and it will be difficult to make generally known the difference between these special instances and the other cadets whom I have refused to discharge, I would earnestly recommend that appointments be made, as far as possible, from those not in service. Greater dissatisfaction than Your Excellency is aware of is frequently engendered in a command by a discharge which seems based on partiality or a special exception.

I have also received your letter of the 4th instant* urging the propriety of stationing in the upper part of your State a force sufficient for its protection in the event that General Longstreet should evacuate East Tennessee. The contingency referred to by Your Excellency has not yet arisen, and I trust there will be no occasion for the employment of troops within the important section mentioned for its defense from raids of the enemy.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

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*See Series I, Vol. LIII, p. 314.

Additional regulations to carry into effect the act entitled "An act to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense," approved February 6, 1864.

II.—OVERLAND COMMERCE WITH MEXICO.

1. The owner of any wagon, cart, or vehicle, or of any boat or other vessel, and of any horse, mule, or other animals employed in transporting cotton, tobacco, or naval stores from the Confederacy to Mexico, shall, before receiving any article for transportation, require of the owner thereof the collector's permit for its exportation, as hereinafter set forth, and shall, before loading any article for transportation, present to the military commander of the department, or officer assigned by him to that duty, a declaration setting forth a full description of all the vehicles, vessels, and animals to be used by him, and their value in Confederate currency, and the names and value of the slaves, if any, employed as teamsters or otherwise in his business of transportation, and the names, and such other particulars as may be required, of the free persons so employed, and the point of departure, the route to be pursued, and the place of destination; and the commander or other officer as aforesaid shall, if satisfied of the loyalty and fidelity of the applicant, and that the application may be safely granted, indorse thereon his consent and approval, and grant a license to the applicant as a public carrier of exports to Mexico for the single trip, or for any length of time, not exceeding one year, that may be deemed proper.

2. Any person desiring to export to Mexico overland any cotton, tobacco, or naval stores shall, before placing the same on any wagon, cart, or other vehicle, or pack-mule, or other animal, or on board any boat or vessel, present to the military commander of the department whence the merchandise is to be exported, or to the officer assigned by him as aforesaid, a declaration stating the quantity and value in Confederate currency of the articles he proposes to export, the name of the licensed carrier to be employed by him, the point of departure, the route to be pursued, the name of the consignee, and the place of destination in the neutral country; and if the officer to whom the application is made shall be satisfied of the loyalty and fidelity of the applicant, and that the permission may be safely granted, he shall indorse on the application his approval.

3. The applicant shall, before loading the merchandise which he intends to export, file with the collector of the district whence the exportation is to be made his application indorsed as aforesaid, and shall execute and deliver to him a bond to the Confederate States, with security deemed adequate by the collector, in an amount double the value in Confederate money of the merchandise embraced in his application, with condition that at least one-half the net proceeds of said merchandise at the place of destination shall be invested in goods and merchandise not prohibited by law, and that said goods and merchandise shall be brought into the Confederate States within sixty days after the delivery of the exported articles at their place of destination in Mexico; and the collector shall thereupon deliver to the applicant a permit to load the articles embraced in said application.

4. No licensed carrier shall depart on the trip for which permits have been granted until he shall have delivered to the collector of the customs a manifest, verified by his oath, setting forth the names of all owners of the cotton or other articles which he is about to carry, and the quantity received from each owner, and shall have obtained from the collector a clearance authorizing his departure.

5. The military commander of any department from which exports are conveyed to Mexico shall establish by general orders, to be published by him, as many convenient points as may be necessary for the assemblage and departure of all vehicles or means of transportation used in the business, and detail officers for the examination, search, and seizure of all vehicles. teams, and slaves employed as drivers whenever engaged in the infraction or evasion of these regulations, or the law which they are intended to enforce.

6. All vehicles, animals, slaves, or other means of transportation, and all cotton or other articles that may be seized, whether by the officers of the revenue or by military authorities, for any violation of law or of these regulations, shall be, without any waste, spoliation, impressment, or injury of any kind, forthwith conveyed and delivered to the nearest marshal or deputy marshal of the Confederate States, and a detailed receipt taken from him setting forth a full description of the property seized and delivered to him for safe custody. And it shall be the duty of said marshal or deputy marshal to keep the property so surrendered in safe custody until the further order of the judge or a commissioner of a district court of the Confederate States having jurisdiction of the subject-matter; and the said marshal or deputy marshal shall forthwith, upon the receipt by him of the property seized, give information to the collector of the district or to the district attorney, or both, if practicable, of all the facts in relation to the seizure of the property and its delivery to him for safe-keeping.

7. No military authority shall presume, under any circumstances, to seize property while being carried under the provisions of the law and of these regulations for any other cause than a violation of said provisions, nor in case of seizure to dispose of the property seized in any other manner than that prescribed in the foregoing regulations. But in cases where there is great risk of the property falling into the hands of the enemy it shall be competent for the proper military authorities to require the licensed carrier to suspend his trip till the danger be passed, or to pursue a different route from that originally designated, or even in cases of imminent danger to abandon the trip.

8. The bonds to be taken under these regulations shall be subject to the provisions of the twelfth regulation relative to exportation by sea, and said bonds may be taken up on the production to the collector of satisfactory evidence that the party has complied with the conditions of the bond as far as practicable.

Approved.

C. G. MEMMINGER,
Secretary of the Treasury.
JAMES A. SEDDON,
Secretary of War.

Approved March 11, 1864.

JEFF'N DAVIS.

[MARCH 11, 1864.—For Seddon to Lee, in reference to the organization of minute men in Virginia, &c., see Series I, Vol. XXXIII, p. 1217.]

GENERAL ORDERS, No. 32. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 11, 1864.*

I. The act of Congress relative to the employment of free negroes and slaves in certain capacities and the instructions of the War

Department relative to its execution are published for the information of those concerned:

AN ACT to increase the efficiency of the Army by the employment of free negroes and slaves in certain capacities.

Whereas, the efficiency of the Army is greatly diminished by the withdrawal from the ranks of able-bodied soldiers to act as teamsters, and in various other capacities in which free negroes and slaves might be advantageously employed: Therefore,

The Congress of the Confederate States of America do enact, That all male free negroes and other free persons of color, not including those who are free under the treaty of Paris of eighteen hundred and three, or under the treaty with Spain of eighteen hundred and nineteen, resident in the Confederate States, between the ages of eighteen and fifty years, shall be held liable to perform such duties with the Army, or in connection with the military defenses of the country, in the way of work upon fortifications or in Government works for the production or preparation of material of war, or in military hospitals, as the Secretary of War or the commanding general of the Trans-Mississippi Department may, from time to time, prescribe, and while engaged in the performance of such duties shall receive rations and clothing and compensation at the rate of eleven dollars a month, under such rules and regulations as the said Secretary may establish: *Provided*, That the Secretary of War or the commanding general of the Trans-Mississippi Department, with the approval of the President, may exempt from the operations of this act such free negroes as the interests of the country may require should be exempted, or such as he may think proper to exempt, on grounds of justice, equity, or necessity.

SEC. 2. That the Secretary of War is hereby authorized to employ for duties similar to those indicated in the preceding section of this act, as many male negro slaves, not to exceed twenty thousand, as in his judgment, the wants of the service may require, furnishing them, while so employed, with proper rations and clothing, under rules and regulations to be established by him, and paying to the owners of said slaves such wages as may be agreed upon with said owners for their use and service, and in the event of the loss of any slaves while so employed, by the act of the enemy, or by escape to the enemy, or by death inflicted by the enemy, or by disease contracted while in any service required of said slaves, then the owners of the same shall be entitled to receive the full value of such slaves, to be ascertained by agreement or by appraisement, under the law regulating impressments, to be paid under such rules and regulations as the Secretary of War may establish.

SEC. 3. That when the Secretary of War shall be unable to procure the service of slaves in any military department in sufficient numbers for the necessities of the Department, upon the terms and conditions set forth in the preceding section, then he is hereby authorized to impress the services of as many male slaves, not to exceed twenty thousand, as may be required, from time to time, to discharge the duties indicated in the first section of this act, according to laws regulating the impressment of slaves in other cases: *Provided*, That slaves so impressed shall, while employed, receive the same rations and clothing, in kind and quantity, as slaves regularly hired from their owners; and, in the event of their loss, shall be paid for in the same manner and under the same rules established by the said impressment laws: *Provided*, That if the owner have but one male slave between the age of eighteen and fifty, he shall not be impressed against the will of said owner: *Provided further*, That free negroes shall be first impressed, and if there should be a deficiency, it shall be supplied by the impressment of slaves according to the foregoing provisions: *Provided further*, That in making the impressment, not more than one of every five male slaves between the ages of eighteen and forty-five shall be taken from any owner, care being taken to allow in each case a credit for all slaves who may have been already impressed under this act, and who are still in service, or have died or been lost while in service. And all impressments under this act shall be taken in equal ratio from all owners in the same locality, city, county or district.

THOMAS S. BOCOCK,
Speaker House of Representatives.
R. M. T. HUNTER,
President pro tem. of the Senate.

Approved February 17, 1864.

JEFFERSON DAVIS.

II. The Bureau of Conscription will direct the enrollment of all the persons described in the first section of the act aforesaid east of the Mississippi River who are not unfit for the service required from them, by reason of physical or mental incapacity or imbecility, and will assign them to the performance of the duties mentioned in the act, or similar duties in any of the military bureaus, or with troops in the field, as there may be any call for such service.

III. Applications for an exemption on the grounds that the interests of the country require it, or because it is demanded by justice, equity, or necessity, will be made to the enrolling officer in writing, and will be disposed of by him according to the general directions contained in the regulations published in Orders, No. 26, 1864, under the "act to organize forces to serve during the war."

IV. For the execution of the sections in the foregoing act, relative to the employment and impressment of slaves, the provisions of Orders No. 138, of the 24th of October, 1863, will afford the requisite rules for the guidance of the military bureaus and commanding generals, with modifications hereafter mentioned. First. That slaves shall not be impressed when the services of free negroes can be obtained. Second. Slaves under the age of eighteen and above the age of fifty are exempt. Third. The hire for slaves impressed shall be according to the rates fixed by the appraisers under the act to regulate impressments. Fourth. The limitation as to the term for which slaves shall be impressed for service shall be for twelve months, instead of the term fixed by said orders, if the exigency shall require it.

V. All impressments for service in the various military bureaus under this act will be by special order upon application to the War Department, disclosing the efforts that have been made to provide other labor specified in the act, the necessity for the impressment, and the plan proposed to secure it.

VI. The general commanding the Trans-Mississippi Departmen will superintend the execution of the law for that department.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 60. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 12, 1864.*

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XX. The Quartermaster-General is hereby authorized to stop passenger trains upon any line of railroad in which either forage or subsistence for the Army may be delayed until the same or such portion thereof as may be necessary to the public service shall be removed. All officers in charge of transportation at points where such supplies are delayed will communicate the fact to the Quartermaster-General, who will give the necessary directions to them to stop the trains.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 12, 1864.

Capt. John C. Kay is hereby authorized to enlist in his company for "special service on the Mississippi River" a number of men not exceeding fifty. They are to be enlisted from localities within the lines of the enemy exclusively. The company to be subject to the rules and regulations of this Department for such organizations; to be subject to being disbanded at its pleasure, and to operate under the instructions of department and district commanders and under such restrictions as may be prescribed by them in this Department. The service to be without pay or other compensation than the percentage of loss or injury to the enemy's property, to be awarded by an officer or officers charged with that duty by this Department, in no case to exceed 50 per centum.

J. A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 12, 1864.

Hon. THOMAS BRAGG,
Raleigh, N. C.:

SIR: In the Richmond Enquirer of this date you will find a publication of the orders relative to the writ of habeas corpus.* The Department requests that you will undertake the office of chief commissioner for the fulfillment of the duties imposed by the writ and the orders for the State of North Carolina. You will be at liberty to detail from the class of men between forty-five and fifty competent assistants, who, while on that duty, will be relieved from other duty. Congress failed to make an appropriation for executing the duties imposed by this act upon the Department, but that omission can be supplied at the next session. You will keep an accurate account of the expenses and return it previously to the 1st of May next.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *March 12, 1864.*

Mr. THOMAS SHARP,
Richmond, Va.:

SIR: You will proceed without delay to Nassau and thence to Nova Scotia for the purpose of purchasing and forwarding to some Confederate port via Nassau the machinery and material described in the inclosed memorandum,† to be used in the manufacture of army shoes. You will apply for funds on reaching Nassau to Maj. R. P. Waller, quartermaster at that point, who is authorized to advance you the sum of £3,500, enough to triplicate the order in behalf of the shoe establishment at Atlanta, which, with the risks of the blockade, will probably secure the receipt of two complete sets. Be sure to separate the three lots in shipping them and so pack the same that whatever may come to hand may be complete. Use all possible dispatch in the business and communicate from time to time your success to this office. It may be that some of the material and shoemakers' tools

*See General Orders, No. 31, p. 203. †Not found.

can be purchased in Nassau and forwarded without delay from there. Major Cameron, quartermaster at Wilmington, will aid you in securing passage from Wilmington, and your necessary personal expenses, of which you will render an account on your return, can be defrayed from the funds you will receive.

A. R. LAWTON,
Quartermaster-General.

P. S.—Should you have the funds to spare you can purchase a small quantity of the chemicals mentioned in your letter of the 13th ultimo, with a view of making some experiments to shorten the process of tanning.

RICHMOND, *March 12, 1864.*

Maj. R. P. WALLER,
Quartermaster, Nassau, New Providence:

SIR: The bearer, Mr. Thomas Sharp, goes abroad for a short time to purchase a lot of machinery, material, and tools for the manufacture of shoes. His instructions will inform you more fully of the precise character of his mission and the things to be purchased. He will require £3,500 to meet his expenditures, and I write to authorize you to advance the sum to him; but fearing at the same time that you may not be able to do so promptly, I have to direct, with the sanction of the Secretary of War, that you draw, if necessary, for the amount on Mr. Colin J. McRae, financial agent of the Confederate States at Paris, and deliver proceeds to Mr. Sharp. In a couple of months the department will be able to command quite a considerable quantity of leather, and it is all-important that it should secure some facilities in the way of machinery to make the same rapidly into shoes. The receipt of these appliances will also render the department in a great measure independent of detailed labor. Your experience will tell you that this will in time prove a far better investment of a portion of the means at the command of this department than even shoes or blankets, so do not let Mr. Sharp be disappointed in the receipt of the funds.

A. R. LAWTON,
Quartermaster-General.

P. S.—Forward the inclosed letter to Mr. McRae, with the draft, or in advance thereof.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 14, 1864.

W. D. HENNEN, Esq.:
(Care General Joseph E. Johnston.)

SIR: You will find in the Richmond papers the orders relative to the suspension of the writ of habeas corpus, with the act on that subject.*

The Department desires that you will undertake the charge of commissioner for carrying into effect the act and orders under it in the department of General Longstreet. The orders sufficiently express the duties you have to perform. You are also requested to afford counsel to the commander of conscripts and the enrolling officers in

*See General Orders, No. 31, p. 203.

cases that may arise in which the interposition of that writ may be claimed. You are authorized to detail one or more assistants from the class between forty-five and fifty, or to designate some gentlemen above that age to aid you, if the duties become too onerous for your personal attention.

Congress failed to make an appropriation to carry into effect this act, but will doubtless do so at its next meeting in May. You will keep an accurate account of the expenses, and send to this Department previously to the meeting of Congress.

A reasonable and proper compensation will be allowed to you for the duties you may be required to perform.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

(Same to Peter Hamilton, Mobile, Ala., appointed commissioner in department of Major-General Maury, and to J. L. M. Curry, Talladega, Ala., March 17, appointed a commissioner in the army of General Johnston.*)

[MARCH 14, 1864.—For authority to J. C. S. Blackburn and Harris H. Johnston each to enlist a company for special service on the Mississippi, see Series I, Vol. LII, Part II, p. 638.]

GENERAL ORDERS, No. 33. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 15, 1864.*

I. The Bureau of Conscription will proceed to enroll all persons between the ages of seventeen and eighteen years, and between the ages of forty-five and fifty years, under the fifth section of the act of Congress to organize forces to serve during the war.

II. Persons liable to enrollment will present themselves to the enrolling officer, in the States east of the Mississippi River, within thirty days from the day when notice shall be given in the district or county by the enrolling officer for persons of this class to appear for enrollment. The failure to comply with this notice will subject the defaulter to a liability to be called into the general service with the class of persons between eighteen and forty-five, unless he shall have a valid excuse therefor, to be judged of by the Bureau of Conscription.

III. Any person liable to enrollment under this act may join any company for local defense which has been formed under General Orders, No. 86, issued 22d of June, 1863, for the war, or any other company for local defense which has been accepted into the service, and which, by the terms of its enlistment, is liable to serve anywhere within the State; or persons of this class may form new companies for local defense and special service, under General Orders, No. 86, 1863, for the war, and select their own officers.

By order:

S. COOPER,
Adjutant and Inspector General.

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*For Curry's reply, see Series I, Vol. LII, Part II, p. 648.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 15, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina, Raleigh, N. C.:

SIR: The notice to which reference is made in your letter of the 8th instant* having been given by authority of the Navy Department, your communication was transmitted to the Secretary of the Navy, who, in his response, expresses some surprise that a notice given in conformity to regulations adopted by the President, under the authority and in pursuance of an act of Congress, should cause indignation on your part. He presumes the vessel referred to is the Hansa, and adds that the nature of the interest owned by the State of North Carolina in her is not explained by you. Under the late regulations I have no authority over the subject, which rests now mainly with the Secretary of the Treasury, and any remonstrance you deem requisite should appropriately be addressed to him.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RALEIGH, *March 15, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I had the honor to receive this morning your letter of the 12th instant requesting me to act as commissioner for North Carolina under the orders relative to the writ of habeas corpus. The appointment is one that I do not desire, but, nevertheless, I will accept it, desirous, as I am, to serve the Government in any capacity that my services may be needed. I suppose that in doing so I shall be allowed to attend to some important business of a professional kind in two or three counties the coming spring terms of the superior courts in relation to which I am under prior engagements. What assistants I may need I know not. It will, of course, depend very much upon circumstances. One competent clerk or more I shall certainly need. I will keep an account of all expenses, but would suggest that some authority be given to procure stationery from the proper officer here.

Upon my return from Richmond I found a letter from Chief Justice Pearson. I send herewith an extract, from which you will see that he is disposed to raise a question as to the constitutionality of so much of the habeas corpus act as suspends the writ in cases of "attempts to avoid military service" by suing out the writ. I shall decline to send him any argument on the subject, but shall inclose him the order issued with the act. This letter of Judge P[earson] was written before the decision of his associate, Battle, was made and published, refusing to issue a writ where it appeared upon the face of the petition that the party was attempting to avoid military service. It is said Judge Manly, the other judge of the supreme court, has acted in the same manner, and I hope Judge Pearson will not persist in his course.

Very respectfully,

THS. BRAGG.

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*See Series I, Vol. LI, Part II, p. 828.

Extract of Judge Pearson's letter, dated Richmond Hill (his home), March 5, 1864:

Since my return home I have issued a good many writs, but have declined to act in any case without a return from the enrolling officer. In the matter of Rosser, Captain Pearson, enrolling officer, returned by filing a certificate under oath, "the party is detained by order of the Secretary of War for attempts to avoid military service." I entered on it, "March 4, 1864. The return of the enrolling officer is so general as not to raise the question whether Congress has power to suspend the privilege of the writ of habeas corpus in civil cases, or whether Congress intended to suspend the privilege of habeas corpus in civil remedies. The case awaits such motion as the party may be advised by his counsel."

So the matter stands. I anticipate there may be motion for a rule to show cause why the return should not be so amended as to raise the question by adding that the party was arrested as a conscript, and the attempt to avoid military service is by suing out the writ. But I can't say what course will be taken. Probably the enrolling officer may make the addition so as to raise the question.

He then invites an investigation of the subject by me and requests me to send him a written argument, or that he will go again to Salisbury and hear an argument if I prefer it, &c., "provided the question is presented in the return."

GENERAL ORDERS, No. 34. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 16, 1864.*

I. The following act of Congress and orders are published for the information of the Army:

AN ACT to provide an invalid corps.

The Congress of the Confederate States of America do enact, That all officers, non-commissioned officers, musicians, privates and seamen, who have or shall become disabled by wounds, or other injuries received, or disease contracted in the service of the Confederate States, and in the line of duty, shall be retired or discharged from their respective positions as hereinafter provided. But the rank, pay and emoluments of such officers, and the pay and emoluments of such non-commissioned officers, musicians, privates and seamen, shall continue to the end of the war or as long as they shall continue so retired or discharged.

SEC. 2. That all persons claiming the benefits of this act, shall present themselves for examination, to one of the medical examining boards now established by law. Upon the certificate of such Board that such permanent disability exists, such persons shall be retired or discharged as aforesaid.

SEC. 3. That all persons retired or discharged as aforesaid, shall periodically, and at least once in six months, present themselves to one of said boards for further examination, under regulations to be prescribed by the Secretary of War, the result of which examination shall be reported by such Board to the said Secretary. And if any such person shall fail so to report himself to such Board, whenever he shall be required so to do, he shall be dropped from said retired or discharged list, and become liable to conscription, under the terms of the law, unless such failure shall be caused by physical disability.

SEC. 4. That the Secretary of War may assign such officers, and order the detail of such non-commissioned officers, musicians, privates and seamen, for such duty as they shall be qualified to perform. If any such non-commissioned officers, musicians, privates and seamen, shall be relieved from disability, they shall be restored to duty in their respective commands.

SEC. 5. That the Secretary of War shall make all needful rules and regulations for the action of the medical boards as aforesaid.

SEC. 6. That vacancies caused by the retirement of officers under this act, shall be filled as in case of the death or resignation of such officers.

SEC. 7. This act shall be in force from its passage.

Approved February 17, 1864.

II. Applications will be made by officers and soldiers who wish to be retired or discharged under this act through their commanding

officers for authority to appear before one of the medical examining boards now established by law. Commanding officers will indorse fully the facts connected with the alleged disability and forward the application to the general commanding, who will return it to the applicant with his approval or the reason why it is withheld. The indorsement will be the authority to the Board, which will be composed of three medical officers, for the examination of the applicant.

III. If the application be approved by the commanding general, and the Board find the soldier permanently disabled by wounds or other injuries received or disease contracted in the service, it will retire the soldier and forward to the Adjutant and Inspector General the original application and certificates; or, if the Board find a soldier totally unfit for duty in any department of service, he may, if he prefer it, be discharged upon certificates of disability, under the regulations and usage of the service, as before the enactment of the law providing an invalid corps. If the application be disapproved, the Board may, nevertheless, proceed with the examination. If they find the applicant permanently disabled from either of the causes stated in the act, they will not retire him, but forward the original application and their certificate to the Surgeon-General for final action at this office.

IV. A corresponding course will be pursued when the applicants are officers, except that the Board will not retire, but forward the certificates, through the Surgeon-General, to the Adjutant and Inspector General.

V. If the Board examining the officer or soldier find him disabled for service in the field, but fit for duty in some department of service, the duty he can best perform will be indicated in the certificate, which will be forwarded to the Adjutant and Inspector General.

VI. Officers recommended under the act to relieve the Army of disqualified, disabled, or incompetent officers, approved October 13, 1862, to be retired because of wounds or other injuries received or disease contracted in the service, will receive, upon their written application to the Adjutant and Inspector General, authority to appear before one of the medical examining boards for retiring officers and privates, under the act above recited, approved February 17, 1864.

VII. Officers or soldiers retired under the provisions of this act will present themselves once in six months to one of the boards of surgeons indicated in paragraph II of these orders for further examination, the result of which will be certified as directed in paragraph III of these orders. If prevented by physical disability from so presenting himself the cause of such failure will be established by the certificate of a surgeon of the Army, or of a citizen physician and the enrolling officer of the district in which the person may at the time be residing. As soon as the physical disability is removed the officer or soldier will appear before the Board for re-examination.

VIII. Failure to appear periodically, as provided by the preceding paragraph, will be reported by the Medical Examining Board and proper enrolling officer to the Adjutant and Inspector General.

IX Officers retired under the act of Congress above recited are entitled to commutation of quarters and fuel only when assigned to duty (as provided in section 4 of said act) at a station without troops where public quarters cannot be furnished in kind. They will receive pay from any post quartermaster upon exhibiting evidence of their retirement from active service and the certificate of last payment required by paragraph IV, General Orders, No. 28, and paragraph I, General Orders, No. 126, 1863.

X. Soldiers retired from the service as herein provided will be furnished with descriptive lists, which, in addition to the usual history given, will exhibit the fact that they have been placed on the retired list and designate the post at which they will be entitled to receive pay and allowances. They will report to the commandant of such post—which will be nearest their places of residence—and deliver to him their descriptive lists.

XI. Post commanders are required to take possession of descriptive lists of all soldiers reporting to them and from the data therein given, at the end of every two months, to prepare muster-rolls upon which these soldiers will receive pay from the post quartermaster or assistant quartermaster. They will append to each roll a certificate that it has been made out in accordance with statements presented in descriptive lists of the soldiers on file in his office.

XII. Officers of the Quartermaster's Department will issue necessary clothing to retired soldiers upon requisitions made by the commandants of the posts at which they are stationed, taking their receipts upon receipt rolls, Form No. 53, Regulations for the Quartermaster's Department.

XIII. Retired soldiers will have their rations commuted at $1.25 per day, to be paid by the commissary at the post designated, under the orders of the commanding officer.

XIV. When the soldier shall be returned to his command, his disability for field service having been removed, the post commander will note upon his descriptive list the dates to which payment may have been made him on account of pay and rations commuted and the articles of clothing issued, and return it to him to be delivered to his company commander, or, if he belongs to the non-commissioned staff, to the adjutant of his regiment or battalion.

XV. The following forms will be observed:

ARMY OF THE CONFEDERATE STATES.

Medical certificate to retire invalid officer.

(Under act of Congress approved February 17, 1864.)

——— ———, of the ——— Regiment, ——— Brigade, having appeared before the Board for examination, we do hereby certify—

(Here state whether the officer is permanently disabled and cannot perform duty in any branch of the military service, with a full description of the wound, injury, or disease, and the disabling effects, and that it was received or contracted in the service of the Confederate States in the line of duty. If it is a re-examination, made periodically, state such fact. If the invalid, being disabled for service in the field, is fit for other service, recommend him accordingly. Should an invalid retired overcome the disability, recommend him for such duty as he can perform.)

——— ———, Surgeon, P. A., C. S.,
——— ———, Surgeon, P. A., C. S.,
——— ———, Surgeon, P. A., C. S.,
Medical Examining Board.

(Place.) Examining Board.
(Date.)
(Duplicates.)

ARMY OF THE CONFEDERATE STATES.

Certificate of disability for retiring of invalid soldiers.

(Under act of Congress approved February 17, 1864.)

——— ———, of Captain ———'s company (——), of the ——— Regiment, ———'s brigade, enrolled or enlisted by ——— ———, at ———, on the —— day

of ———, to serve ———. He was born in ———, in the State of ———; is —— years of age, —— feet —— inches high, ——— complexion, ——— eyes, ——— hair, and by occupation, when enlisted, a ———; and having appeared before this Board for examination, we do hereby certify—

(Here state whether the soldier is permanently disabled and cannot perform duty in any branch of the military service, with a full description of the wound, injury, or disease, and the disabling effects, and that it was received or contracted in the service of the Confederate States in the line of duty. If it is a re-examination, made at periods of six months, state such fact. If the invalid, being disabled for duty in the field, is fit for duty in some department of the military service, recommend him accordingly. Should an invalid discharged overcome the disability, recommend him for such duty as he can perform.)

——— ———, Surgeon, P. A., C. S.,
——— ———, Surgeon, P. A., C. S.,
——— ———, Surgeon, P. A., C. S.,
Medical Examining Board.

(Place.) Examining Board.
(Date.)
(Duplicates.)

Form for retiring a soldier.

(Under the act to provide an invalid corps, approved February 17, 1864.)

To all whom it may concern:

Know ye that ——— ———, a ——— of Captain ———'s company, ——— Regiment of ———, who was enlisted the —— day of ———, one thousand eight hundred and ———, to serve ———, is hereby honorably retired from military service, with the pay and emoluments of a ——— in the Army of the Confederate States.

Said ——— ——— was born in ———, in the State of ———; is —— years of age, —— feet —— inches high, ——— complexion, ——— eyes, ——— hair, and by occupation, when enlisted, a ———.

Given at ——— this —— day of ———, 186—.

——— ———, Surgeon, P. A., C. S.
——— ———, Surgeon, P. A., C. S.
——— ———, Surgeon, P. A., C. S.

By order:

S. COOPER,
Adjutant and Inspector General.

[MARCH 16, 1864.—For orders of Governor Allen, requiring every person in Louisiana liable to militia duty to hold himself in readiness at a minute's call for the defense of the State, see Series I, Vol. XXXIV, Part II, p. 1047.]

[MARCH 17, 1864.—For Vance to Davis, in relation to the business of blockade running, see Series I, Vol. LI, Part II, p. 837.]

CIRCULAR No. 8.

BUREAU OF CONSCRIPTION,
Richmond, March 18, 1864.

I. General Orders, No. 26, Adjutant and Inspector General's Office, is herewith made a part of this circular,* and commandants of conscripts are enjoined to proceed to the rapid and vigorous execution of its provisions, under the instructions and interpretations herein prescribed.

II. Under the terms of the eighth section of the act of Congress, published in General Orders, No. 26, Adjutant and Inspector General's Office, and the terms of Circular No. 55 of the Bureau, last series,

*See p. 178.

commandants will proceed to organize the service in their respective States. In addition to the organization therein provided for, and in further pursuance of paragraph II of the said General Orders, No. 26, commandants will forthwith organize in each county a board, to consist of not more than three of the most reliable and intelligent citizens between the ages of forty-five and fifty years, and who have been enrolled and detailed for the service. These boards will be charged with aiding the local enrolling officer in obtaining information concerning all applications for exemption and detail for agricultural or other industrial pursuits, and also in furnishing all other information which may be needed in the duties imposed upon the enrolling officers. The local and Congressional enrolling officer will be required to supervise the action of these boards, and promptly report to the commandant unfitness or delinquencies on the part of the persons detailed for them. So long as the duties are properly performed the persons so employed will be exempted from other service. Care will be used in the beginning to select proper men, and in view of the grave duties herein devolved upon the enrolling officer, he will at his discretion require the written opinion of the Board on claims for exemption or applications for detail, and may call on them for special information concerning matters pertinent to the service. In every case referred by the local or Congressional district enrolling officer to the commandants an opinion as to the merit must be indorsed or accompany the case, and the like rule will be rigidly observed by commandants in referring to this Bureau.

III. Commandants will order the immediate enrollment and examination of all persons within the prescribed ages who are found in the employment of any department of the Government and who are not specially exempted by the act of Congress; and such as are found fit for service in the field may be detailed until the 10th day of April next, provided an application is made according to the terms of the sixth paragraph of General Orders, No. 26, herein cited.

IV. Commandants of conscripts will forthwith transmit to this Bureau recommendations for physicians to be employed in accordance with paragraph IX, General Orders, No. 26, herein cited. Much complaint reaches this Bureau concerning irregularities in the medical examinations. Loose or irregular examinations must not be permitted, and commandants will promptly report any well-ascertained delinquency in the matter.

V. Forms for consolidated reports by the commandants of conscripts will be forwarded; also forms for the records of the Congressional district and local enrolling officers. These records must be accurately kept and the reports based on them must be in clear and intelligible form or they will be returned for revision and correction.

VI. Persons and classes enumerated in the first, second, third, fourth, fifth, and sixth articles of section 10, except those referred to in the latter clause of the fourth article of said tenth section of the act of Congress recited, shall be exempted. All other persons referred to in said act shall be detailed.

VII. Exemptions by examining boards.

1. Persons who shall be determined by the Board of Examination to be incapable of performing active service in the field and any of the duties mentioned in the eighth section of the said act of Congress from causes of a permanent nature shall be exempted from military service by the said Board, who shall grant certificates thereof, which shall specify the causes of the incapacity, reciting in full the nature

and degree of the disease or other incapacity and the probable duration of the disability caused by it; and the parties shall not be subject to future examination unless specially ordered by the Board of the Congressional district in which such parties reside, or by the commandant of conscripts for the State, or by this Bureau.

2. When in the opinion of enrolling officers the causes for which exemption was granted to a person, after examination by the Medical Board, have ceased to exist, they will make a report to the Board, stating the name of the person, when enrolled, when examined, and the disease and other cause of disability with the reasons for believing it to have disappeared, and that the person is capable of performing active service in the field, or some of the duties mentioned in the said eighth section of the act aforesaid. The Examining Board will then order the party to be brought before it for re-examination. When a person is re-examined by the Board his former certificate shall be surrendered and canceled. If again found unfit for duty a new certificate of exemption shall be issued to him.

3. Every certificate of exemption granted by a Board of Examination shall be approved by the Congressional district enrolling officer, which shall protect the person exempted from molestation by the officers of conscription and from re-examination unless the Board of Examination, or the commandant of conscripts, or the Bureau of Conscription shall order the same.

VIII. Exemption of specified classes and individuals.

1. Applications for exemption under the third and sixth articles of the tenth section of the act aforesaid shall be made to the enrolling officer of the county in which the applicant resides, who will thoroughly investigate the case, and if satisfied by competent evidence that exemption should be allowed, shall issue a certificate thereof, which must be submitted to the enrolling officer of the Congressional district for his approval.

2. Applications for exemptions under the fifth article of the tenth section of the act aforesaid shall be made to the commandant of conscripts for the State, who will grant the certificate of exemption authorized by law, to continue during compliance with the conditions prescribed by said act. Exemption, except for the president, treasurer, auditor, and superintendent, shall not be allowed to any officers and employés of a railroad company, unless the president or superintendent shall certify on oath that the parties applied for are indispensable to the efficient operation of such railroad; that the persons exempted on said railroad shall not exceed one for each mile thereof in actual use for military transportation; that the exempts for such road shall be reported by name and description once a month to the commandant of conscripts for the State through which such road passes (or to the Bureau of Conscription), together with the names and descriptive list of any one who may leave the employment of the railroad company, or who may cease to be indispensable to the efficient operation of the said road.

3. The exemption of overseers or agriculturists on each farm or plantation upon which there are now, and were on the 1st day of January last, fifteen able-bodied hands between the ages of sixteen and fifty, will be allowed for the space of twelve months, and the certificate of exemption shall be granted by the officer taking the bond required by law, upon being informed by the commandant for that State that the bond is approved.

4. The bond required to be given upon the exemption of an overseer or agriculturist, under the fourth article of section 10 of the said act, shall be taken by the enrolling officer of the county or district in which such party resides, with the advice and assistance of the temporary Board aforesaid. It shall be payable to the Confederate States of America, in a penalty double the estimated value of the products to be delivered to the Government, and conditioned for the faithful performance of the requirements of the fourth article of the tent section of the said act. The value of the said products shall be assessed by the enrolling officer, who shall take the said bond, with the assistance of the said temporary Board, according to the market value thereof at the time and place of assessment. The said bond may be secured by a deposit of the amount of the penalty thereof in notes issued from the Treasury Department of the Confederate States, with any of the depositaries of the said Treasury, or by personal security, the nature of the security to be at the option of the principal obligor in the said bond. Should the person so exempted elect to give personal security, the sureties tendered by him shall justify their sufficiency under oath before some justice of the peace, but shall not be accepted unless the enrolling officer taking the said bond, under the advice of the said temporary Board, shall deem them sufficient. Such bonds shall, after due execution, be transmitted to the commandant of conscripts for the State for file in his office, to be surrendered to the obligors when the conditions thereof are fully complied with; and the receipt of any quartermaster or commissary specifying that the amount of produce required by the bond has been duly delivered and accepted will entitle the person to have the bond canceled; and copies of such receipts should be forwarded to the commandant of conscripts, to be by him forwarded to the Quartermaster-General or the Commissary-General, through this Bureau.

IX. Exemption on account of religious faith.

Persons entitled to exemption as provided for in paragraph XII, General Orders, No. 26, Adjutant and Inspector General's Office, current series, will on application receive certificates thereof from the Congressional district enrolling officer, on producing satisfactory evidence that they have complied with the requirements of the law.

X. Exemption of officers of Confederate and State governments.

Certificates of exemption for officers of the Confederate and State governments will be given by the commandants for the States.

XI. Investigation of applications for exemption.

1. All other applications for exemption shall be made in writing to the enrolling officer of the county or district in which the applicant resides; shall be supported by his affidavit and other sworn testimony, and dealt with according to the provisions of paragraph III, of General Orders, No. 26, Adjutant and Inspector General's Office, current series.

2. Every application for exemption should be carefully, minutely, and thoroughly investigated by the local enrolling officer, with the aid of the temporary Board to be organized under the second clause of paragraph II of this circular, and be thereafter transmitted to the commandants of conscripts for the State, with a report of facts and their respective opinions on the merits of the application. The report of facts should be somewhat in detail, setting forth in regular order the facts developed in the investigation, giving briefly the reasons for the opinion expressed, and instead of being put in the form of an indorsement, will be made on a separate sheet of paper. The investi-

gation should not be confined to an examination of the application and the papers that accompany it, or merely into the truth of the statements therein made, but should be directed with a view of ascertaining all the facts and circumstances of the case, and the exact condition of the parties with relation thereto.

XII. Details.

Agricultural details: 1. The officers of conscription will give the most careful attention to the provisions of paragraph IV, General Orders, No. 26, Adjutant and Inspector General's Office, current series, in connection with the last clause of the fourth article of the tenth section of the act of Congress cited. This paragraph embraces the whole system of details provided by law to maintain the industrial production of the country, in view of the public defense.

2. The investigation of every case presented must be the most precise and accurate which can be attained by the enrolling officer (with the co-operation of the temporary boards), and all action must be in direct view of the necessities indicated. Commandants will institute such modes of inquiry and report as will furnish the fullest testimony. The policy of the law is to enforce the largest amount of production in every case in which the detail is made. The schedule of terms hereto appended will, it is believed, meet a majority of the cases that are likely to be presented. Where it is doubtful whether the case is covered by the classification, commandants will in general decide by reference to the plain intent of the law, or refer the matter to this Bureau, with full testimony and opinion. In all details there must be satisfactory evidence of the necessity, as expressed in General Orders, No. 26, current series.

Schedule of terms: 3. Where there are two or more farms contiguous, or within five miles of each other, measuring from the homesteads, having on each five or more hands, amounting in the aggregate to fifteen hands, or where one person has two or more plantations within five miles of each other, having an aggregate of fifteen or more hands, there may be detailed one person as overseer or manager of the two or more farms; provided there is on neither of the farms a white male adult, declared by the enrolling officer and the temporary Board capable of managing the farms with a reasonable efficiency, not liable to military duty; and provided the person detailed was on the 1st day of January, 1864, either owner, manager, or overseer residing on one of the farms; and provided the owners of said farms shall execute a joint and several bond, on the terms prescribed for the owners of fifteen hands, except that such persons shall not be allowed the privilege of commutation provided in the fourth article of the tenth section of the act recited.

4. Where details are allowed to persons having less than fifteen, and five or more than five, hands, they shall enter into like obligation as prescribed for the owners of fifteen or more hands, except that for each hand less than fifteen down to five there shall be supplied five pounds less meat, thus: Each of fourteen hands, 95; thirteen hands, 90; twelve hands, 85; * * * six hands, 55; five hands, 50 pounds.

5. Where details are allowed to persons having less than five hands, they shall enter into like obligations to sell all their surplus productions to the Government.

6. All details herein prescribed to be allowed are subject to revocation by the commandant of conscripts, on the report of the enrolling officer that the person detailed is not habitually, industriously, and in good faith engaged in the occupation for which the detail is granted.

Enrolling officers are required to be unusually vigilant in supervising such details. Omission in this duty will constitute grave dereliction.

7. Enrolling officers are required to exercise the utmost caution in recommending details in the classes enumerated. It is by no means intended to grant them indiscriminately, but to limit them as much as is consistent with the public good. All pertinent circumstances will be carefully inquired into. Among these are fitness for the field; ability or aptitude for the purposes of the detail; condition of the family; whether any or how many are in the military service; public good, justice, equity or necessity, &c.

XIII. Details for public necessity.

Applications for details such as are not required for the service in any of the military bureaus, or for service in any of the departments of the Government, including service with contractors, will be made, accompanied by a descriptive list, to the enrolling officer of the appropriate county or district, and be supported by the affidavit of the applicant and other testimony under oath. The district enrolling officer will institute a minute and searching investigation into the circumstances of the case, the result of which will be set forth on a separate sheet of paper. The district enrolling officer may, if he approves the application, grant a detail for sixty days and forward the papers through the commandant to the Bureau for its action. If the application is refused, the reasons in full will be indorsed, and in case of appeal, the papers forwarded to this Bureau through the same channels. If the persons for whose detail application is made are engaged in performing the duties on account of which details are asked they will be allowed to remain until final action. If otherwise, they should be sent to camps of instruction.

XIV. Details for persons between forty-five and fifty for Government work.

Applications for the detail of persons between forty-five and fifty years of age for service in any of the military bureaus or in any of the departments of the Government will be made, accompanied by a descriptive list, to the local or district enrolling officer; and it must set forth the nature of the duties to be performed, the necessity for the detail, and the period for which it is required. The district enrolling officer, after investigation made and reported as directed in preceding paragraph, may, if he approve the application, grant a detail for a period not exceeding sixty days, and forward the papers to the commandant for his action. An appeal from the action of the enrolling officers and the commandant may be taken to this Bureau.

XV. Details of artisans, mechanics, &c.

1. Applications for the detail for service in any of the military bureaus or for any of the departments of the Government (including contractors) of artisans, mechanics, or persons of scientific skill, to perform indispensable duties, should be made, with descriptive lists, to the enrolling officer. The skill of the party, the duties to be performed, and why his services are indispensable, and the period for which the detail is required, must be distinctly set forth. Applications for the employés of contractors must in addition contain a certificate from the officer contracted with, or the head of the department, that the services of the particular parties are required for the performance of indispensable Government work. The district enrolling officer may grant detail for sixty days and forward the papers through the commandant (each expressing his opinion) to this Bureau for its action. If the application is refused, reasons in full will be indorsed,

and in case of appeal, papers forwarded to this Bureau. If the parties applied for are at work they will be allowed to remain until action is taken; if otherwise, they should be sent to the camps of instruction. Applications for the detail of contractors themselves must also contain the certificate of the head of the Bureau, required by the eleventh section of the act.

XVI. All other applications for exemption or detail not otherwise provided will be made to the enrolling officer and forwarded through the proper channels.

XVII. Great care should be exercised in exempting or detailing able-bodied men between eighteen and forty-five. No case should be acted on until after minute and thorough investigation as to the alleged private or public necessity, advantage, convenience, justice, or equity, and as to whether persons not liable to service in the field may not be obtained.

XVIII. Reports.

1. Examining boards, in addition to the lists directed in paragraph VIII, General Orders, No. 26, Adjutant and Inspector General's Office, current series, will furnish district enrolling officers with lists of men in their districts found fit for military service but unfit for service in the field, specifying in each case what duties they are capable of performing. Congressional district officers to furnish similar lists to county enrolling officers, the object being to enable persons needing detailed men to see who are the subjects of detail, and to choose from them.

2. Enrolling officers will forward to the commandant of conscripts monthly a report of all persons enrolled by them and the action taken in each case. These reports will be consolidated by the commandant, with reference to the distinctions made in the act of Congress, and the regulations for its enforcement, in duplicate, one copy of which will be forwarded to this Bureau, and one kept on file in the office of the commandant.

XIX. Enrollment of reserve classes.

1. Commandants of conscripts will proceed to enroll all persons between the ages of seventeen and eighteen and forty-five and fifty years, in execution of General Orders, No. 33, Adjutant and Inspector General's Office, current series, which is herewith made a part of this circular.*

2. Commandants will keep a separate and distinct roll of persons between the ages of seventeen and eighteen and forty-five and fifty.

3. Commandants of conscripts will assign to duty, as a supporting force for conscription service, such persons as may be recommended by the examining boards as unfit for the field, but as competent for this service; and when as many as sixty-four such persons are so assigned, they will be organized into a company, elect their officers, and return the muster-rolls to the commandants; and if there be not a sufficient number to form a company in each Congressional district, then the commandant may assign a sufficient number of persons between forty-five and fifty years of age, so as to complete a company for each Congressional district. A competent officer of the rank of colonel will be assigned by this Bureau to organize such companies into a regiment, if there be the requisite number of companies; or into a battalion, if there be less than ten companies; or into two battalions, if deemed preferable.

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*Here omitted, but see p. 212.

XX. General instructions.

1. Commandants will always bear in mind that General Orders, No. 26, is not only the basis, but forms a large portion of these instructions. They will habitually recur to its provisions to aid in the application of other provisions of this circular.

2. Commandants will of course refer cases of difficulty to this Bureau; but references which bear on their face that they are rather to avoid due responsibility or labor will be retained without remarks.

3. The duty of the commandants of conscripts is, in accordance with these instructions, to maintain and invigorate the industrial production of the Confederacy and supply its armies with men. This duty must be performed or our struggle for independence and liberty will fail.

By order of Col. J. S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

BUREAU OF CONSCRIPTION,
Richmond, March 18, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Governor Watts, of Alabama, in his letter to the President, dated 8th of March,* and handed by you to me, states that there have been many companies raised in Alabama for conscript service and the arrest of absentees, and that these companies have in general done little good and frequently much harm to the service. These companies were raised by Brigadier-General Pillow when assigned to conscription service by General Johnston. The evils complained of were manifest on the transfer of the conscription service in Alabama to this Bureau, and instant steps were taken to ascertain the condition of the companies, by what authority raised and assigned, the material of which they were composed, and all other matter necessary to a proper disposition of them.

It involved a slow, difficult, and delicate inspection. Most of the companies were mustered for the war, contained many conscripts liable to general service, and were of such character that if suddenly disbanded the men might be entirely lost. If the conscripts were withdrawn, they would disband, and if ordered to the field the conscript service would be utterly without support. The investigation is progressing, and in the meantime all that can be spared from conscript service have been ordered to report either to General Polk or to officers authorized by the War Department to raise and organize forces. The process is now at work under the orders of an efficient commandant of conscripts, and it is hoped that all, or nearly all, the companies will soon be placed in the field except one for each Congressional district reserved for conscript service.

I still believe that the very worst agency to have control of conscription, except that of generals commanding, is the local civil or military authorities. Wherever it has been tried it has proved a disastrous failure, and such would be the result of Governor Watts' plan. If the State authorities or generals commanding would actively and cordially co-operate with the conscript authorities instead of endeavoring to control or oppose them good might result.

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*Not found.

During my six months in this Bureau there has never been one man sent to the field by State authority. Thousands have been kept from the field by the action of that authority. The collisions between the State and conscript authorities have been universally caused by the effort of the States to keep or take men from the conscript officers.

The same experience indicates that no general commanding a department or district having control of conscription has sent one conscript out of his department. I am not informed that fifty conscripts have been sent from Mississippi, Alabama, Florida, or Tennessee to the Army of Virginia while General Pillow, under General Johnston, had control of conscription in those States.

The difficulties, delays, and irregularities of conscription do not result from the difficulty in finding men, but the impossibility of getting those men out of the hands of recruiting officers under generals commanding, of Governors, judges, and demagoguing politicians. These are the real impediments to the success of this Bureau. From one end of the Confederacy to the other every constituted authority, every officer, every man and woman is engaged in opposing the enrolling officer in the execution of his duties. It is their efforts to meet and overcome these obstacles which causes the outcry against these officers and suggests these crude plans for the service to which they are assigned.

With the present onerous, responsible, and important functions charged upon the conscription authorities, it may be worthy of consideration whether the duty of arresting absentees may not be confided to other agencies; but for conscription merely you cannot devise a better system than the one now in operation.

Very respectfully, your obedient servant,

JNO. S. PRESTON,
Colonel and Superintendent.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 18, 1864.

Hon. EUGENIUS A. NISBET,
Macon, Ga.:

SIR: I inclose you a copy of the act of Congress for the suspension of the writ of habeas corpus, and the orders of this Department for the execution of the writ.* The second section of the act requires the selection of proper officers for the investigation of the cases of all persons who may be arrested or detained, and for the discharge of such as are improperly detained. The Department has selected you for the oversight and direction of the whole subject in the State of Georgia, except the cases immediately arising in the army of General Joseph E. Johnston. A person has been selected to attend to that army.

You will be authorized to detail from the men between forty-five and fifty years such assistants as you may require. The duties to be performed will sufficiently appear from the act itself and from the orders already issued. A copy of this letter will be sent to the various military commanders, and you will be entitled to transportation upon application to the quartermaster.

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*See General Orders, No. 31, p. 203.

Congress failed to make an appropriation to carry into effect the act, and the Department cannot at this time specify the rate of compensation; but an application will be made to Congress in May next, and it is hoped that it will be settled on a satisfactory basis. Meanwhile you are requested to keep an accurate account of the expenses and forward them to the Department before the 1st of May.

The Department is aware of the delicate nature of the duties to be performed, and the importance in the present condition of the country of exactness and circumspection in the administration of the power confided by the act the Department devolves upon you in the State of Georgia under a sense of the responsibility that rests upon you.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

LIBERTY, VA., *March 18, 1864.*

Hon. J. A. SEDDON,
Secretary of War Confederate States of America:

SIR: There can be little doubt but that the want of organized transportation and the inability of the railroads to effect the domestic commerce of the country enters largely into the problem of market price, and must to that extent affect the operation of the new currency act. The obstacles to internal commerce are:

First. The incomplete condition of certain railroad extensions and connections, such as those of the Danville and Central, in Virginia; the connection by rail to Richmond, Petersburg from Yorkville, across to Augusta, &c.

Second. The deficiency of rolling-stock, especially of locomotives. The several roads now running in Virginia have not one-fourth, in some cases not one-eighth, of the motive power proper for their regular trade. The Central road reported only eight locomotives in working order. The ratio of engines to length of road run would give the road fifty or sixty. The Virginia and Tennessee road is short of motive power, and the South Side road in every respect inadequate to its business. The rails of all these roads are reported in bad condition, varying of course with grades and tonnage, but all requiring repair. The reduction of train speed has its effect upon the internal intercourse of the country.

Third. The refusal of roads on the same gauge to allow the freight-cars of other roads to run over their rail, thereby involving unnecessary transshipments, and throwing the through freights into the hands of an express company, heretofore unlimited in its exactions. These are, in my opinion, the main causes of the great difference in prices between the different portions of the Confederacy and between the metropolis and the interior.

During the last session of the Virginia Legislature it became my duty, as chairman of the Committee on Roads and Interior Navigation (I state this to authenticate the condition and defects of the Virginia roads), to examine into the subject of internal transportation, and to recommend measures for its improvement. The lower House passed a bill requiring roads to pass the freight-cars of other roads of the same gauge over their own road. Railroads were required to establish an express department. These provisions were lost in the Senate. Express companies were placed under stringent regulations. They are now restricted to double the freight allowed the railroad.

A bill was also reported making a State subscription to a joint-stock locomotive factory and rolling-mill. It was regarded favorably, but not reached. The remedies proposed are:

First. The military possession of the roads so far as to insure through freights and close connections.

Second. The organization of locomotive factories with a detail of skilled workmen, and the importation or manufacture of boiler plates, tubular boilers, chilled wheels, chilled tire, &c., the manufacture of freight-cars, the erection of rolling-mills, whenever necessary for the repair of extensive lines of roads. I am aware this plan involves labor and responsibility, but it is submitted in the belief that it will effect much to facilitate the military operations and the internal commerce of the country. It will indirectly operate upon the currency, for if the supplies continue irregular or deficient the Government will be driven to a reissue of currency. You will please excuse this communication, dictated by an interest in the public welfare.

Respectfully, yours,

WM. M. BURWELL.

[First indorsement.]

MARCH 28, 1864.

QUARTERMASTER-GENERAL:

These suggestions are worthy of attentive consideration.

J. A. S.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
March 29, 1864.

Respectfully forwarded to Lieutenant-Colonel Sims.

By order of Quartermaster-General:

W. F. ALEXANDER,
Major and Assistant to the Quartermaster-General.

[Third indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
April 9, 1864.

Respectfully returned to the Secretary of War, whose attention is invited to the inclosed report of Lieutenant-Colonel Sims.

A. R. LAWTON,
Quartermaster-General.

[Inclosure.]

C. S. QUARTERMASTER'S DEPT., RAILROAD BUREAU,
Richmond, April 1, 1864.

Brig. Gen. A. R. LAWTON,
Quartermaster-General, Richmond, Va.:

GENERAL: I have the honor to return herewith a communication from Hon. W. M. Burwell, and submit for your consideration the following reply:

First. It is well known to all who have investigated the matter that everything possible has been done to complete the Danville connection, and but for the difficulty in getting rails it would have been further toward completion. The connection from Columbia to Augusta is one of extreme importance and should be fostered in every

way by the Government. Immense trouble will be encountered, but the reward will be great. It will shorten the distance between those two points from 143 miles to about 80 miles, saving about 63 miles and giving a line not subject to interruptions by the enemy. It could be finished in twelve months, but it would require extraordinary exertions and every facility that Government could give. It cannot be urged too strongly, and I trust the matter will not drop with this report.

Second. The deficiency of rolling-stock is great and without remedy until the policy of the Government changes in regard to keeping mechanics in the Army, to which must be added another difficulty quite as serious, *i. e.*, the supply of iron. The deficiency of locomotives is not so serious if those in the country could be thoroughly repaired. This takes mechanics and materials, which are not in the Confederacy. I am confident that with 100 mechanics and a supply of block tin, copper, cast-steel, &c., distributed through the various shops in Virginia, that the effective motive power of the State would be in six months increased one-half. It was with the idea of placing this machinery in good order that I applied for the detail of one mechanic for every ten miles of railroad in operation in the Confederacy, but so impracticable was considered my suggestion that no reply was made to it.

Third. It is almost an impossibility for those who have had no practical experience to understand how any difficulty can arise from interchanging cars, and yet it is most fruitful of destruction to property. Cars never get the proper attention when from under the owner's eye, and with the present scarcity it is the true policy to husband them with care. The experience of the world is against it, and if the time ever comes when it is pursued you may rely upon all improvement in, or certainty of, transportation is destroyed. In peace times competing lines sometimes interchanged cars, but it was always with the expectation that many would be destroyed. Can we afford to lose any? Certainly not. Then we must manage those we have so as to avoid it, and that can only be done by keeping them constantly under the eye of the owner. The establishment of a locomotive factory is very desirable, but here arises the same question of men and material, with the additional one of obtaining complicated machinery; but these are not insurmountable obstacles, nor do they need legislation. If the mechanics can be had the balance will be forthcoming. If mechanics are not to be had for repairing locomotives, where is the force coming from to construct them? That the railroads should come under military control I am becoming every day more satisfied. There seems to be a desire to work for the road's interest rather than sacrifice all convenience for the country's cause. For instance, it is clear to anybody that the two roads from Richmond to Weldon should be worked as one corporation, and yet all the advantages to the Government and the public cannot bring it about. If the Virginia Legislature really wish to make the railroads serve the Confederate States, let it amalgamate these two roads. This is a matter about which there can be no doubt, and nothing but self-interest will oppose it. Greater harmony would doubtless produce better results, but this I fear can never be obtained until a Government officer manages every road. The present incumbents might still retain their positions, but should be directly amenable to Government, and made to feel that the interests of Government were paramount to every other consideration. This question will press more heavily than heretofore from the extent

of demand which require greater exertions, and its consideration should not be postponed. The sum of all that is proposed in this communication is men and iron. With these we can make boiler plate, wheels, tires, cars, rails, &c. There is nothing impossible in it. Indeed, it is easy of accomplishment, and if Government will only offer the details, works corresponding in extent with the demand will soon be started; but before I could conscientiously recommend this plan I should like to see all the present motive power and cars in working condition, and until this is done it is worse than folly to attempt more extensive projects.

I remain, general, very respectfully, your obedient servant,

F. W. SIMS,
Lieutenant-Colonel and Quartermaster.

[MARCH 18, 1864.—For Forrest to Polk and Clark to Polk, in relation to the transfer of the State troops of Mississippi to the Confederate service, see Series I, Vol. XXXII, Part III, pp. 650, 651.]

GENERAL ORDERS, No. 35. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 19, 1864.*

I. Officers on inspection duty, while traveling under the immediate orders of the War Department, will be allowed their personal expenses (less the commutation value of one ration per day) in lieu of all allowances for fuel, quarters, and forage. Each account must be certified by the officer receiving the payment, and will be paid by any quartermaster.

II. Paragraph 166, General Regulations, is not construed to allow certain commanding officers to grant themselves leave. They will not absent themselves from their commands without authority from this office.

III. Paragraph 170, General Regulations, is hereby revoked. Nor will the commander of a post grant leave to an officer without permission first obtained from the general commanding the army or department in which the post may be established.

IV. Commanding generals and other commanding officers are prohibited from detaching officers and ordering them to duty or for assignment in other commands, or beyond the limits of their departments or commands, without previous authority from this office. The transportation allowance of an officer so detached and ordered without previous authority will be charged to the officer giving the order.

V. Until exchanged and reassembled, the officers and men of captured organizations will be temporarily assigned, by the general commanding the department in which the troops have been serving, to depleted organizations in the service, or to such other duty as the commanding general may direct. To this end it will be the duty of the officers of the Conscription Bureau in the several States to return to the general commanding the department in which the troops have last served such officers and soldiers as are now or may be hereafter absent from duty on account of the capture of their command.

VI. Paragraph VI, General Orders, No. 13, current series, is thus amended:

In making payments to soldiers upon descriptive lists officers of the Quartermaster's Department will be careful to indorse thereon the

amounts paid and the time for which they have been paid, returning the same to them for delivery to their company commanders. Disbursing officers will file with receipts given by soldiers thus paid a certificate in each case that the descriptive list was according to prescribed form, dated, and subscribed by the officer commanding the company; that the station of the company was given and that no money was paid the soldier except that certified by the officer as due from the records of the company.

VII. Under General Orders, No. 142, 1863, the inspector-general of field transportation is charged with impressing and purchasing field transportation for the Army. His officers and agents will not be interfered with by either officers or soldiers when engaged in discharging that duty.

VIII. Persons liable to conscription who have joined companies in the local or special service will be turned over to enrolling officers for assignment to companies in the general service.

IX. The following is published as supplementary to the schedule of average cost of arms, parts of arms, and accouterments, as set forth in General Orders, No. 158, Adjutant and Inspector General's Office, December 3, 1863:

Carbine (breech-loading)	$75.00	Horse brush	$2.00
Carbine (muzzle-loading)	60.00	Bridle	14.00
Parts of same. (See prices of parts of rifle, model 1855.)		Bit	2.00
Skeleton saddles	75.00	Girth	5.00
Halter	12.00	Stirrups	2.00
Crupper	3.00	Bridle reins	7.00
Stirrup leathers	6.00	Spurs	1.50
Mess blanket	4.00	Curry comb	1.25
Halter reins	5.00	Nose bag	2.50
Headstall	7.00	Cartridges of all kinds, each	.25
		Caps of all kinds, each	.02½

The price of bayonets is increased to $11 each.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR
No. 9.

BUREAU OF CONSCRIPTION,
Richmond, March 19, 1864.

I. This Bureau being charged by General Orders, No. 32, Adjutant and Inspector General's Office, current series, with the enrollment and assignment of all the persons described in the first section act of Congress therein published and entitled "An act to increase the efficiency of the Army by the employment of free negroes and slaves in certain capacities," the said first section and paragraphs II and III of the said orders are herewith made parts of this circular.*

II. Commandants of conscripts will forthwith proceed in accordance with the foregoing second paragraph of said orders to the enrollment of the persons described in the said first section of the act aforesaid, have them examined by the Board of Examination, and furnish the Bureau descriptive lists of such as are fit for the service required. Ten days' furlough may be allowed after acceptance, at the expiration of which time the persons who are found fit for the service required will be forwarded to the headquarters of the general

*See p. 207.

commanding the department embracing the States in which they are enrolled. Receipts will be taken upon their delivery.

III. Applications for exemptions in this class of persons may be finally disposed of by the commandant of conscripts without reference to this Bureau. He should require them to be forwarded to him in accordance with the instructions of Circular No. 8, current series.

By command of Col. John S. Preston, superintendent:

T. GOLDTHWAITE,
Acting Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 19, 1864.

General E. K. SMITH,
Commanding, &c.:

GENERAL: The letter of Brigadier-General Greer of the 7th of December last* with your indorsement of the 18th of January has been received.

This Department has experienced much embarrassment from the eccentric decisions of inferior judges who have had the power to issue writs of habeas corpus, and can appreciate the difficulties that General Greer has had to encounter on that subject. His opinion as to the liability of deputy clerks and deputy marshals is concurred in, and the late act of Congress to organize forces for the war will enable him to apply a corrective to some of the evils he complains of. A copy of that act with the orders and regulations will be sent to you with this letter. The act embraces two distinct subjects—the organization of the existing Army and the recruiting of its ranks by conscription. The act continues in service all men between eighteen and forty-five now belonging to the Army till the end of the war. You will observe that it does not abridge the term of service of those who belong to the Army. It does not provide for the discharge of any until their legal term of service has expired. Persons over forty-five will serve for that term, whatever it may be. The act also provides for the transfer of certain companies and men to other organizations, but the mass are continued in their existing organizations.

Congress, before the passage of this act, had adopted a special act repealing the exemption of principals who had put in substitutes and who had no other cause of exemption. By the act of Congress of the 17th of February they repealed all existing exemptions and provided that all men between seventeen and fifty years of age should be placed in service under the limitations and exceptions embraced in that act. General Orders, No. 26, contains the act and the regulations of the Department for its execution. Besides these acts the superintendent of the Bureau of Conscription has made in the form of instructions more detailed arrangements for their complete enforcement. These orders and regulations will accompany this letter. By the act of Congress of the 27th of September, 1862, the disposition to be made of conscripts is declared. They were to be appropriated, first, to the filling up of the regiments in existence prior to the 16th of April, 1862, and then to the completion of the regiments formed between that date and the 1st of October, 1862. No new companies were contemplated to be made from men liable to conscription, except in those districts

*See Series I, Vol. XXVI, Part II, p. 493.

in which the conscription act could not be enforced, and no other agencies were to be employed except those of the conscription service. General Orders, No. 82, series of 1862, were framed with this object. This Department has deviated from this plan under a supposed necessity in some instances, but experience has convinced it that a strict adherence to the law and the regulations would have been productive of greater benefit to the service. It now discards all plans for recruiting outside of those regular agencies, and refuses authorities to raise companies except under very special circumstances, and those are limited to the country occupied by the enemy.

The act of Congress before mentioned, as you will perceive, greatly diminishes the classes of persons entitled to detail for special service. The act, the orders, and the instructions of the Bureau of Conscription will place you in possession of the general views of the Department relative to the manner of performing these functions. They involve considerations of the gravest import, and in intrusting the discharge of similar functions to you the Department is fully aware of the magnitude and difficulty of the trust. The general principles it has adopted it recommends to you—that you cause the Bureau of Conscription to be organized with care and managed with efficiency; that the principal aim should be to recruit the existing organizations and to decline the issuing of any special authorities or the creation of independent agencies. It is proper that the regiments of Arkansas, Louisiana, and Texas on the east of the Mississippi River should be recruited, and that new regiments should not be formed until this be done. The service of the Army proper should as far as practicable be performed by men fit for duty in the field, and the Bureau and civil service should be supplied by the persons designated in the eighth section of the act. Reserve forces should be organized and made as efficient as the circumstances of the country will warrant, and care should be employed and discrimination exercised to provide sufficiently for the maintenance of the industrial operations of the country. A broad, statesmanlike administration is necessary for the fulfillment of the duties imposed by this act.

General Orders, No. 31, contains the act for the suspension of the writ of habeas corpus. The bill itself imposes upon you the duty of its execution in your department. You will find in the orders what the Department has done for its execution in the Cis-Mississippi Department. Commissioners of the highest character and professional ability have been selected for the performance of the duties charged upon them, and they have been authorized to detail from the class between forty-five and fifty adequate assistance. Congress failed to make an appropriation to carry into execution this act, but that omission will probably be supplied in May next. The compensation of the commissioners has not been settled, but the Department will be disposed to fix it upon a liberal footing. The country is naturally jealous of any suspension of this writ, and the Department has been anxious to impress upon its administration under it the evidence of professional ability, sound discretion, and personal honor, so as to avoid any appearance of evil. The most ordinary case in which the act will be required is that in which persons seek to avoid military service, and your attention is directed to that section as affording a cure for some of the evils of which Brigadier-General Greer complains. Another important branch of your duties will arise under the act imposing regulations upon the foreign trade, with the view to obtain foreign supplies. The scheme of this act is to prohibit the

exportation of cotton, tobacco, rice, sugar, molasses, and military and naval stores, except under the regulations of the President. A prohibition is laid upon the import of many articles of luxury. The regulations framed by the President were designed to secure the application of all these articles mentioned in the act of Congress to the accumulation of supplies for the Army and necessaries for the people. Congress also passed a bill to create two bureaus, one for either side of the Mississippi River, for the carrying into effect this act, but owing to some inattention or inadvertence it failed to be signed by the officers of the two branches of Congress, and was not carried to the President. It did not therefore become a law. There will be required in your department some special agency for the purchase, transportation, export, sale, and investment of the proceeds of the articles belonging to the Government, and for the oversight of the transactions of individuals under the act of Congress and regulations. The bill which failed to become a law, under the circumstances before mentioned, provided such an agency to be subject to your control, and in the absence of adequate agencies of administration in the Treasury Department in that district, and in consequence of the absorption by the military department of so much of the active business population and the machinery of government, it is not perceived how the act can be efficiently executed otherwise than by the establishment of a similar agency to that provided. The regulations that have been adopted furnish an outline of the method of proceeding under the act. It will be necessary for you to fill up that outline by practical measures to give efficiency to the system. Copies of the regulations both for the sea and the land will be sent to you. I recommend that the officers employed in this business be required to give bonds, and that they be selected with discrimination, so as to secure men who will not abuse their positions to promote any personal or individual object. The country requires that all its resources be husbanded with solicitude and that none should be expended except to promote the public good. At the same time a liberal consideration of the convenience and comfort of the people at large is proper, so as to obtain their cordial co-operation and support.

Congress revised its act concerning impressments and provided for the employment of free negroes and slaves in certain branches of the public service. It may be that your circumstances will require the employment of slaves in the operations of your department. The act provides that 20,000 slaves may be impressed, provided that free negroes cannot be obtained, and slave labor cannot be contracted for. The Department has directed the enrollment of free negroes and will probably impress some 10,000 or 15,000 slaves in the various departments on this side of the Mississippi River. The same power is extended to your department. You are at liberty to call into service, if they are needed, 6,000 slaves to perform the duties that the act of Congress contemplates. We have determined here to employ the Bureau of Conscription to obtain them as the most diffused of the agencies under our control. In the General Orders, No. 138, of 1863, you will find some leading directions as to the methods of proceeding, but some of the details of these orders have been modified by General Orders, No. 32, of the present series, especially those in reference to the compensation to be paid to the overseers.

Finally, I will call your attention to the act and orders for the establishment of the invalid corps—General Orders, No. 34. The persons retired under these orders should obtain their orders from the

headquarters, and the roll of officers and men should be preserved there. No person should be permitted to have the benefit of that act except under the order of the department commanders. Much confusion and fraud have been the consequence of allowing to subordinate officers to determine finally upon the condition of officers and men in service.

The delicacy and difficulty of the duties cast on you by these various laws and orders are sensibly felt, but full confidence is placed in your discretion, zeal, and ability for their faithful discharge.

I have the honor to remain, general, very truly, yours,

JAMES A. SEDDON,
Secretary of War.

(Resolutions introduced by Hon. Linton Stephens.)

RESOLUTIONS on the suspension of the habeas corpus.

The General Assembly of the State of Georgia do resolve, 1st. That under the Constitution of the Confederate States there is no power to suspend the privilege of the writ of habeas corpus, but in a manner and to an extent regulated and limited by the express, emphatic, and unqualified constitutional prohibitions, that "No person shall be deprived of life, liberty, or property, without due process of law," and that "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the places to be searched and the persons or things to be seized." And this conclusion results from the two following reasons: First. Because the power to suspend the writ is derived, not from express delegation, but only from implication, which must always yield to express conflicting and restricting words. Second. Because this power, being found nowhere in the Constitution but in words which are copied from the original Constitution of the United States, as adopted in 1787, must yield in all points of conflict to the subsequent amendments of 1789, which are also copied into our present Constitution and which contain the prohibitions above quoted and were adopted with the declared purpose of adding further declaratory and restrictive clauses.

2d. That "due process of law" for seizing the persons of the people, as defined by the Constitution itself, is a warrant issued upon probable cause, supported by oath or affirmation, and particularly describing the persons to be seized; and the issuing of such warrants being the exertion of a judicial power is, if done by any branch of the Government except the judiciary, a plain violation of that provision of the Constitution which vests the judicial power in the courts alone; and therefore all seizures of the persons of the people by any officer of the Confederate Government without warrant, and all warrants for that purpose from any but a judicial source, are, in the judgment of this General Assembly, unreasonable and unconstitutional.

3d. That the recent act of Congress to suspend the privilege of the writ of habeas corpus in cases of arrests ordered by the President, Secretary of War, or general officer commanding the Trans-Mississippi Military Department, is an attempt to sustain the military authority in the exercise of the constitutional judicial function of issuing warrants, and to give validity to unconstitutional seizures of the persons of the people; and as the said act by its express terms confines its operation to the upholding of this class of unconstitutional seizures,

the whole suspension attempted to be authorized by it and the whole act itself, in the judgment of this General Assembly, are unconstitutional.

4th. That in the judgment of this General Assembly the said act is a dangerous assault upon the constitutional power of the courts and upon the liberty of the people, and beyond the power of any possible necessity to justify it; and while our Senators and Representatives in Congress are earnestly urged to take the first possible opportunity to have it repealed, we refer the question of its validity to the courts, with the hope that the people and the military authorities will abide by the decision.

5th. That as constitutional liberty is the sole object which our people and our noble Army have in our present terrible struggle with the Government of Mr. Lincoln, so also is a faithful adherence to it on the part of our own Government, through good fortune in arms and through bad, one of the great elements of our strength and final success; because the constant contrast of constitutional government on our part with the usurpations and tyrannies which characterize the Government of our enemy, under the ever recurring and ever false plea of the necessities of war, will have the double effect of animating our people with an unconquerable zeal and of inspiring the people of the North more and more with a desire and determination to put an end to a contest which is waged by their Government openly against *our* liberty and as truly, but more covertly, against their own.

THOS. HARDEMAN, JR.,
Speaker House Representatives.
L. CARRINGTON,
Clerk House Representatives.
PETER CONE,
President of Senate pro tem.
L. H. KENAN,
Secretary of Senate.

Approved March 19, 1864.

JOSEPH E. BROWN,
Governor.

(Introduced by Hon. Linton Stephens.)

RESOLUTIONS declaring the ground on which the Confederate States stand in this war, and the terms on which peace ought to be offered to the enemy.

The General Assembly of the State of Georgia do resolve, 1st. That to secure the rights of life, liberty, and the pursuit of happiness, "governments were instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as shall seem to them most likely to effect their safety and happiness."

2d. That the best possible commentary upon this grand text of our fathers of 1776 is their accompanying action, which it was put forth to justify; and that action was the immortal declaration that the former political connection between the Colonies and the state of Great Britain was dissolved and the thirteen Colonies were, and of right ought to be, not one independent State, but thirteen independent States, each of them being such a "people" as had the right, when-

ever they chose to exercise it, to separate themselves from a political association and government of their former choice and institute a new government to suit themselves.

3d. That if Rhode Island, with her meager elements of nationality, was such a "people" in 1776, when her separation from the Government and people of Great Britain took place, much more was Georgia and each of the other seceding States, with their large territories, populations, and resources, such a "people," and entitled to exercise the same right in 1861, when they decreed their separation from the Government and people of the United States; and if the separation was rightful in the first case it was more clearly so in the last, the right depending, as it does in the case of every "people" for whom it is claimed, simply upon their fitness and their will to constitute an independent state.

4th. That this right was perfect in each of the States, to be exercised by her at her own pleasure, without challenge or resistance from any other power whatsoever; and while these Southern States had long had reason enough to justify its assertion against some of their faithless associates, yet, remembering the dictate of "prudence," that "governments long established should not be changed for light and transient causes," they forbore a resort to its exercise, until numbers of the Northern States, State after State, through a series of years, and by studied legislation, had arrayed themselves in open hostility against an acknowledged provision of the Constitution, and had at last succeeded in the election of a President who was the avowed exponent and executioner of their faithless designs against the constitutional rights of their Southern sisters—rights which had been often adjudicated by the courts, and which were never denied by the Abolitionists themselves but upon the ground that the Constitution itself was void whenever it came in conflict with a "higher law," which they could not find among the laws of God, and which depended for its exposition solely upon the elastic consciences of rancorous partisans. The Constitution thus broken, and deliberately and persistently repudiated by several of the States who were parties to it, ceased, according to universal law, to be binding on any of the rest, and those States who had been wronged by the breach were justified in using their rights to provide "new guards for their future security."

5th. That the reasons which justified the separation when it took place have been vindicated and enhanced in force by the subsequent course of the Government of Mr. Lincoln—by his contemptuous rejection of the Confederate commissioners who were sent to Washington before the war to settle all matters of difference without a resort to arms, thus evincing his determination to have war; by his armed occupation of the territory of the Confederate States, and especially by his treacherous attempt to re-enforce his garrisons in their midst, after they had, in pursuance of their right, withdrawn their people and territory from the jurisdiction of his Government, thus rendering war a necessity, and actually inaugurating the present lamentable war; by his official denunciation of the Confederate States as "rebel" and "disloyal" States for their rightful withdrawal from their faithless associate States, whilst no word of censure has ever fallen from him against those faithless States who were truly "disloyal" to the Union and the Constitution which was the only cement of the Union, and who were the true authors of all the wrong and all the mischief of the separation, thus insulting the innocent by charging upon them the crimes of his own guilty allies; and finally, by his monstrous usurpations of power and undisguised repudiation of the Constitution,

and his mocking scheme of securing a *republican* form of government to sovereign States by putting nine-tenths of the people under the dominion of one-tenth, who may be abject enough to swear allegiance to his usurpation, thus betraying his design to subvert true constitutional republicanism in the North as well as the South.

6th. That while we regard the present war between these Confederate States and the United States as a huge crime, whose beginning and continuance are justly chargeable to the Government of our enemy, yet we do not hesitate to affirm that, if our own Government and the people of both Governments would avoid all participation in the guilt of its continuance, it becomes all of them, on all proper occasions and in all proper ways—the people acting through their State organizations and popular assemblies, and our Government through its appropriate departments—to use their earnest efforts to put an end to this unnatural, unchristian, and savage work of carnage and havoc. And to this end we earnestly recommend that our Government, immediately after signal successes of our arms and on other occasions when none can impute its action to alarm instead of a sincere desire for peace, shall make to the Government of our enemy an official offer of peace on the basis of the great principle declared by our common fathers in 1776, accompanied by the distinct expression of a willingness on our part to follow that principle to its true logical consequences by agreeing that any Border State whose preference for our association may be doubted (doubts having been expressed as to the wishes of the Border States) shall settle the question for herself by a convention to be elected for that purpose after the withdrawal of all military forces of both sides from her limits.

7th. That we believe this course on the part of our Government would constantly weaken and sooner or later break down the war power of our enemy by showing to his people the justice of our cause, our willingness to make peace on the principles of 1776, and the shoulders on which rests the responsibility for the continuance of the unnatural strife; that it would be hailed by our people and citizen soldiery, who are bearing the brunt of the war, as an assurance that peace will not be unnecessarily delayed nor their sufferings unnecessarily prolonged, and that it would be regretted by nobody on either side except men whose importance or whose gains would be diminished by peace and men whose ambitious designs would need cover under the ever recurring plea of the necessities of war.

8th. That while the foregoing is an expression of the sentiments of this General Assembly respecting the manner in which peace should be sought, we renew our pledges of the resources and power of this State to the prosecution of the war, defensive on our part, until peace is obtained upon just and honorable terms and until the independence and nationality of the Confederate States is established upon a permanent and enduring basis.

THOS. HARDEMAN, JR.,
Speaker House Representatives.
L. CARRINGTON,
Clerk House Representatives.
PETER CONE,
President of Senate pro tem.
L. H. KENAN,
Secretary of Senate.

Approved March 19, 1864.

JOSEPH E. BROWN,
Governor.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 19, 1864.

Hon. THOMAS BRAGG,
Raleigh, N. C.:

SIR: Your acceptance of the office of commissioner under the law suspending the writ of habeas corpus is gratefully appreciated by the Department. It was not presumed the position was desirable, but I was not mistaken in relying on your patriotic zeal to accept it. It is important that the duty should be fulfilled by a citizen of your State enjoying the confidence and influence you so justly command. There will be no incompatibility whatever in your attention to the private or professional matters to which you refer. You can employ the clerks you require to aid you, and the quartermaster at Raleigh will be instructed to furnish the stationery, &c., you may need. Judge Pearson is still, I fear, bent on mischief. It will be hard, however, for him to prevent by construction the plain terms of the law, or to stem alone the changing current of public sentiment and the adverse opinions of his brethren on the bench. He will probably find discretion the better policy, and for a time at least, and, I trust, permanently, cloak his factious purposes.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 36. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, March 21, 1864.

I. Special attention is directed to the Ninetieth Article of War, and paragraph 877, Army Regulations, requiring the proceedings of general courts-martial, and orders respecting the sentences of such courts, to be transmitted with as much expedition as practicable to the War Department. The observance of these rules, especially in capital cases and trials affecting the commissions of officers, also of paragraph 871 of the regulations, prescribing the manner of making up and securing the court record, is enjoined upon all concerned.

II. Every court-martial record, which should be kept distinct and separate in each case, must be indorsed with the name, rank, or description of the party and the court by which he was tried, to which should be added the action of the reviewing officer, confirming or disapproving the sentence, duly attested by his signature.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 10. BUREAU OF CONSCRIPTION,
Richmond, March 21, 1864.

Beyond the Confederate lines and within the lines of the enemy are many liable to enrollment and military service. You will endeavor to enroll and bring into service all such persons as are within the ages of eighteen and forty-five. Those above forty-five should not be enrolled, the purpose being to leave them at home, where their services are needed, and not to subject them to the risks of becoming prisoners of war.

In the immediate neighborhood and in rear of the Confederate Army, where the lines are liable to fluctuation, a careful discretion

may be exercised in extending this exemption to persons of the latter class.

By command of Col. John S. Preston, superintendent:

THOS. GOLDTHWAITE,
Acting Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 21, 1864.

Mr. Joseph W. Tucker is hereby authorized to engage two assistants for special service against the enemy. Their operations to be governed by the rules and regulations, to be subject to the restrictions imposed by, and this authority to be revocable at the pleasure of this Department.

The compensation for service to consist of a percentage on the amount of the enemy's property destroyed, to be awarded by an officer or officers charged with that duty by this Department, in no case to exceed 50 per centum.

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 21, 1864.

Maj. Gen. D. H. MAURY,
Commanding, &c., Mobile, Ala.:

GENERAL: Among the acts passed by the last Congress there is one to impose regulations upon the foreign commerce of the Confederate States, to provide for the public defense, to which your attention is directed. The President has caused to be published the regulations for the trade by sea and overland to Mexico. The act prohibits the export of cotton, tobacco, naval and military stores, sugar, molasses, and rice, except under the regulations of the President for the Confederate States.

The second section of the act provides that any of the said articles that are laden for exportation beyond the Confederate States, or to any portion of them occupied by the enemy, shall be forfeited, together with the slaves and animals that may be employed or collected for the purpose of aiding therein.

The third section prohibits the landing of such articles, except under a permission and the giving of a bond by the exporter to convey them to their destination.

The fourth section authorizes the collector of the port or district, or such other officer as may be designated by the President, to take into their custody any of the articles before mentioned when there is reason to believe they were intended for exportation, or, when in wagons, carts, or other vehicles, they are apparently on their way toward the territories of a foreign nation, or toward the territory of the Confederate States in the occupation of the United States, or in the vicinity thereof, or toward a place whence such articles are intended to be exported, until bond be given, with sureties, that no violation of the act or of the regulations is designed. The object of the act was to place the commerce in these articles entirely under the control of the Government, that it might secure necessary supplies. There may be an occasion presented of securing supplies that are indispensably necessary for the Army. When these supplies can be secured

by the exportation of these articles by land into the country occupied by the enemy the Department supposes that it would be prudent and lawful to do so; but great circumspection is necessary for the execution of any plan of the kind, and all such traffic must be subject to the inspection and control of the department commanders, and should be under the supervision of trustworthy officers, who would under no circumstances abuse it for any personal advantage or to promote speculations by their friends and connections.

In all cases sureties should be taken for the fulfillment of the contracts, and the delivery of the supplies should be a condition precedent to the allowance of the permission. The permission should be countersigned by the commander and strict scrutiny should be habitually made into the manner of the fulfillment of any such contracts. If at any time it should be discovered that any mischief results the system should be abandoned. No trade is lawful except such as is thus carried on, and the directions in the fifth, sixth, and seventh regulations of the overland trade to Mexico are applicable to any such traffic.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

(Same to Maj. Gens. George E. Pickett and J. C. Breckinridge, Generals G. T. Beauregard and Joseph E. Johnston, Lieut. Gens. L. Polk and J. Longstreet.)

CIRCULAR } BUREAU OF CONSCRIPTION,
No. 11. } *Richmond, March 22, 1864.*

I. When owners, overseers, or managers of such farms or plantations as are specially enumerated in the fourth article, tenth section, of the late military bill, or whose services are of more importance as agriculturists than in the Army, who were enrolled during the month of January last, are still in the camps of instruction and have not volunteered, or otherwise have been enlisted, the equity of the act should prevail and their cases be acted on as if the enrollment had never taken place.

II. Upon general principles of justice, equity, and necessity the Government is disposed to relieve persons between seventeen and eighteen and forty-five and fifty, members of the Society of Friends, Dunkards, &c. When they are in a condition to be detailed for agricultural pursuits it may be done under the conditions imposed upon other classes of producers. When there are clerical employments or artisan or mechanical labors that they can perform they may be selected for those objects. Every case, however, should be referred to this Bureau for its action, allowing the parties to remain at their employments until action is taken.

By command of Col. John S. Preston, superintendent:

THOS. GOLDTHWAITE,
Acting Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
ORDNANCE BUREAU,
Richmond, March 22, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: On September 15 last Mr. McRae wrote that the whole amount advanced to Major Huse and others for account of War Department

out of the Erlanger loan was £544,976. Mr. McRae asked that warrants to cover this advance be at once sent to him in order that he might adjust the accounts of the loan between the War and Treasury Departments. Warrants to the extent of £311,000 were accordingly sent to him and he was advised (November 30, 1863) that no more could be done just then, as the appropriations on this side could not stand any further draft upon them without embarrassing the operations of the bureaus. Other warrants were promised him as soon as our appropriations should be made by Congress, then so soon to assemble. This, however, has not been done.

In addition to the above advance of £544,976 it was understood (see your letter of September 26 to Mr. McRae) that £262,500 were yet to accrue to the War Department out of the Erlanger loan. After consultation with the chief of the several bureaus this amount was apportioned out by you (see your letter of October, 1863, to Mr. McRae) as follows:

Quartermaster's Department	£85,000
Ordnance Department	55,500
Commissary Department	40,000
Medical Department	30,000
Niter and Mining Department	40,000
Engineer Department	12,000
Total	262,500

It would now seem, however, that these £262,500 were predicated upon the further negotiation of bonds by Messrs. Erlanger & Co. Said negotiation having failed, the funds are not in the hands of Mr. McRae to meet the warrants sent forward by the various bureaus under the apportionment.

As, however, a deficit of £233,000 of the advance of £544,976 was yet uncovered by warrants, the actual overdraft of the War Department on its proportion of the Erlanger loan is something less than £29,000. But it is to be considered that while the amount actually advanced for the War Department is covered by drafts, such drafts are in favor of bureaus not properly chargeable with the money expended.

It appears, further, that under authority from the Quartermaster-General, approved by you, Major Waller, quartermaster at Nassau, has drawn on Mr. McRae for £20,000 at sixty and ninety. Mr. McRae has no funds in hand, but has accepted the drafts, hoping that he may be placed in funds before their maturity with which to duly protect them. These drafts are held by outside parties, but the warrants in favor of bureaus (above referred to) are in the hands of officers and agents of the Government.

Since my assignment to general duty, in charge of shipment of cotton for the War Department, in August last, the shipments have been as follows:

Department.	Ordnance stores.	Collie & Thorburn's stores.	Private stores.	Total.
Ordnance	2,160	960	638	3,758
Quartermaster's	129	2,213	2,074	4,416
Commissary	58	759	1,558	2,375
Medical	290	.....	361	651
Niter and Mining	.....	1,152	855	2,007
Engineer	.....	.....	151	151
Total	2,637	5,084	5,637	13,358

The credits accruing to the various bureaus from the shipments of cotton have been more than anticipated and expended (as shown by recent letters from Messrs. Fraser, Trenholm & Co. to the chiefs of bureaus) by the agents of said bureaus. The Medical Department alone has a small credit, and this is more apparent than real, as I am informed that orders more than sufficient to absorb the whole amount were long since sent out.

Your letter of September 26, 1863, gave Mr. McRae power to transfer from one bureau to another any surplus credits for which it may not have immediate need, but I do not suppose that it is your intention to withhold payment from the creditors of one department to satisfy the claims of those of another. (This is basis of objection made to transfer by F., T. & Co.)

I have thought it my duty to inform you of the foregoing facts before preparing for your signature the instructions called for by your indorsement on a late letter of Mr. McRae, which I have the honor herewith to return.

Very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel.

P. S.—If the cotton now on hand belonging to the War and Navy Departments is transferred, as recommended by me, to the Treasury Department, the disposition of proceeds will, under the new regulations, be under the control of the Treasury Department and agent of Treasury now abroad. If Mr. Mallory declines to transfer the cotton of his Department, the War Department will, I suppose, be compelled to ship as formerly.

GENERAL ORDERS, No. 37. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 22, 1864.*

I. The attention of medical examining boards is called to paragraph IV, General Orders, No. 34, current series.* Such boards have no power to retire an officer, but will forward the certificate of disability (giving the officer examined a duplicate thereof) and the application, through the Surgeon-General, to the Adjutant and Inspector General, that the "certificate of retirement" may be issued from this office. No other certificate of retirement will be respected.

II. Each officer retired under the provisions of the act will, immediately on the receipt of the certificate of retirement as set forth in the preceding paragraph, or as soon thereafter as practicable, communicate to this office the military station or post-office (giving county and State) at which he may be found. Whenever any permanent change is made in his location he will immediately report such change to this office.

III. The certificate of retirement, as provided in paragraph I, will be numbered and forwarded to the officer so retired when he is on duty in the field through the general commanding the army or department to the regiment or battalion to which the officer may belong. When he is absent from his command it will be forwarded directly to his address at the place where he appeared before the Board of Examiners (unless a different direction is requested by the officer) and a notice of the fact will be sent from this office to the commanding general.

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*See p. 214.

IV. When an officer presents himself for re-examination, in compliance with paragraph VII, General Orders, No. 34, it will be the duty of the Board examining to specify on the new medical certificate the number of the certificate of retirement as issued from this office.

V. Each officer retired under the act, and not assigned to duty, will report by letter to the Adjutant and Inspector General's Office monthly, giving his address, as required by paragraph 167, Army Regulations.

By order:

S. COOPER,
Adjutant and Inspector General.

MOBILE, *March 22, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have received your letter of March 14 desiring [me] to act as commissioner under the recent act of Congress for the suspension of the writ of habeas corpus in the military department commanded by Major-General Maury, and also desiring me to give counsel to the commander of conscripts and the enrolling officers in cases that may arise in which the interposition of that writ may be claimed.

I have communicated your letter to General Maury, and notified him that I will be ready to act as called upon. To-day I have received in the Richmond Enquirer a copy of the general orders upon the above-named act of Congress, and now report that my services will be rendered to the best of my ability as they may be required.

Very respectfully, your obedient servant,

P. HAMILTON.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., March 22, 1864.

Hon. JAMES A. SEDDON,
Secretary of War Confederate States of America:

SIR: The General Assembly of the State of Georgia has passed a resolution, a copy of which is herewith transmitted, in which they decline to express any opinion as to the wisdom of the act passed by Congress enrolling such persons as had been enrolled under the State laws, and recommended that I as the Executive interpose no obstacle to its enforcement, and also requesting me to open a correspondence with you and request you to exonerate from the penalties of said act such persons between the ages of seventeen and eighteen and forty-five and fifty who did not volunteer or enroll within the time specified, supposing their enrollment under the State law to be legal.

Having given my views upon this question in my messages to the General Assembly and submitted it to their decision, I yield to their recommendation.

An act was passed by the General Assembly of this State, approved December 14, 1863, to reorganize the militia of the State of Georgia, which required the enrollment of all male white residents who were then or who should be of the age of sixteen years, and not over sixty years, for military service, according to the provisions of said act, which enrollment was immediately ordered and made; after which Congress passed an act declaring that "from and after the passage of

the same all white men, residents of the Confederate States, between the ages of seventeen and fifty, shall be in the service of the Confederate States during the war."

Under the fifth section of said act it is made "the duty of all white residents of the Confederate States between the ages of seventeen and eighteen and forty-five and fifty to be enrolled within a certain time, and any person who shall fail to enroll himself without a reasonable excuse therefor shall be placed in service in the field for the war."

Instead of constituting a reserve for State defense and detail duty, these persons, honestly believing that as both acts required the same State defense, and as they were enrolled by State authority for that purpose, it was legal, failed to enroll themselves in Confederate service, which, I think, "is a reasonable excuse therefor." I therefore respectfully request that they be allowed thirty days after notice given to volunteer, organize, and elect their officers. And as it is important that your decision be made known immediately, with your consent I will publish your reply to this letter if you conform to the wish of the General Assembly and grant the privilege requested for the persons now made subject to enrollment.

Very respectfully,

JOSEPH E. BROWN.

[Inclosure.]

A RESOLUTION in relation to the recent military act of Congress.

The General Assembly do resolve, That this General Assembly, declining to express any opinion as to the wisdom of the act passed by Congress enrolling such persons as had been enrolled under the State law, recommend that His Excellency interpose no obstacle to its enforcement, and the Governor is requested to open a correspondence with the Secretary of War and request him to exonerate from the penalties of said act such persons between the ages of seventeen and eighteen and forty-five and fifty who did not volunteer or enroll within the time specified, supposing their enrollment under the State law legal.

PETER CONE,
President pro tem. of the Senate.
L. H. KENAN,
Secretary of Senate.
THOS. HARDEMAN, JR.,
Speaker House of Representatives.
L. CARRINGTON,
Clerk House of Representatives.

Having given my views upon this question in my messages to the General Assembly and submitted it to their decision, I yield to their recommendation. This 22d of March, 1864.

JOSEPH E. BROWN,
Governor.

SECRETARY OF STATE'S OFFICE, GEORGIA,
Milledgeville, March 22, 1864.

I certify that the above is a true copy of the original resolution now on file in this office.

Given under my hand and seal of office.

N. C. BARNETT,
Secretary of State.

[First indorsement.]

MARCH 31, 1864.

CONSCRIPT BUREAU:

Under your regulations no penalty has yet been incurred, has it? Suggest anything you wish included in answer to the Governor.

J. A. S.,
Secretary.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, April 2, 1864.

Respectfully returned to the Secretary of War.

The instructions of this Bureau, under sanction of the Secretary of War, to the commandant of conscripts for Georgia allow until the 1st of May for the enrollment of the classes indicated by Governor Brown. This entirely exonerates these classes from the penalty provided by Congress, and seems to meet Governor Brown's recommendation.

JNO. S. PRESTON,
Colonel and Superintendent.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 23, 1864.

General R. E. LEE,
Commanding, &c.:

GENERAL: The act of the last Congress to impose regulations upon the foreign commerce of the Confederate States provides for an embargo upon the exportation of cotton, tobacco, sugar, rice, molasses, and military and naval stores from the Confederacy, except under the regulations of the President. The regulations for export by sea and overland to Mexico have been published. There is another branch of the same trade that the public necessity alone justifies, and which cannot be specially regulated, except by communication with the general commanding the lines on the frontier. The act prohibits exportation into any portion of the Confederate States occupied by the enemy, and authorizes the forfeiture of the articles exported, and the vehicles, teams, and slaves employed in the business. It authorizes the collectors of the districts, and such other officers as may be designated by the President, to take into their custody any of the articles subject to forfeiture, when there is reason to believe they are intended for exportation, or when in vessels, carts, or wagons, or any other carriage or vehicle whatsoever, or in any manner apparently on their way toward the territories of a foreign nation, or toward the territories of the Confederate States in the occupation of the United States, and not to permit the same to be removed until bond shall be given, with satisfactory sureties, that no violation of this act and the regulations under the same is intended.

The third section of the act provides that these articles may be laden under a special permission, and upon taking a bond to secure the delivery of the articles at their destination.

It is necessary that this Department shall authorize a trade in these articles with the border counties, and even Maryland, for ordnance supplies, and to obtain subsistence from Northern Virginia, and the Department has placed the subject, so far as regards subsistence and other supplies, except ordnance stores, under the charge of Maj. B. P. Noland. He contracts for articles, takes the bond, and receives those

that may be imported in return; that is, he superintends the operations. The permissions will all be issued from this Department, and none will be granted except for this object, except in a few cases, for the supply of soldiers' families outside of our lines. A contraband trade in the prohibited articles cannot be permitted for individual advantage, and the duty of the commander is to prevent the same.

The fifth, sixth, and seventh articles of the regulations in respect to the overland trade with Mexico are applicable to persons engaged in the trade elsewhere, and contain directions as to the proper course to be pursued by the commander in all such cases.

With this statement of the act, the rules of the Department respecting it, and by reference to the regulations in respect to the overland trade with Mexico, so far as applicable to your lines, will enable you to give instructions suitable to the case. The act does not contemplate any action in respect to imports by the military authorities; but if any illicit trade in prohibited articles is discovered notice should be given. A copy of the Treasury regulations as to such articles is forwarded with this letter.*

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
March 23, 1864.

Honorable SECRETARY OF WAR,
Richmond, Va.:

SIR: I have the honor to call your attention to the effect of the act of Congress approved February 17, 1864, amending the law establishing military courts, which requires that "charges shall be referred to said courts and their proceedings reviewed by the army commander, as in the case of general courts-martial." This converts military courts practically into courts-martial and sacrifices the chief benefits that were anticipated from the creation of the former.

When I recommended the establishment of military courts, in the autumn of 1862, the inadequacy of the courts-martial to enforce discipline in the Army had become apparent to my mind from the experience of the campaign in Northern Virginia and Maryland, which had just closed. The importance of prompt and certain punishment of offenses had been strongly impressed upon me, and as it was impossible to accomplish this object by convening courts-martial in the midst of active operations, I thought that great good could be attained by having a tribunal to attend the Army to try and punish offenses as they were committed, so as more effectually to restrain them than could be hoped by a trial and punishment after the lapse of a long time and when the immunity of one offender had encouraged many others to follow his example. The same considerations made me look for better results from the military courts when the Army was stationary, as their proceedings, if conducted according to the original plan, could be much more expeditious than those of courts-martial.

One of the chief sources of delay in the latter courts was the necessity of forwarding all charges to my headquarters for examination before being ordered to trial, and subsequently of reviewing the proceedings of all the courts. Much time was necessarily lost in both these particulars, as the number of cases was so great that they could

*See p. 206. For Lee's reply, see Series I, Vol. LI, Part II, p. 842.

not always be reviewed as soon as received, without the sacrifice of other and more pressing duties. These difficulties it was thought would be obviated to a great extent by allowing the corps commanders to send their charges directly to the military courts of their respective corps for trial, and to review the proceedings of those courts, and it was found in practice that such was the case. The labor of reviewing was divided among several, and the time necessarily consumed in the transmission of papers was also saved.

The act of Congress above referred to has entirely taken away these, which were the chief benefits of the military courts, and restored all the objectionable features of the system of courts-martial. In fact I would prefer the latter, as they do not require the additional transportation and subsistence necessary for the military courts. While the army is stationary there is absolutely no difference in point of efficiency between the two courts, and although the military courts might sit while the army is moving, the necessity that the charges to be tried shall first be sent to me to be referred to these courts, and that their proceedings shall be reviewed by me, makes the courts of no practical use during a time of active operations, owing to the impossibility of my discharging these duties under such circumstances, and the great loss of time that must always occur, especially when the troops are separated, as almost always happens.

If the corps commanders and commanders of cavalry divisions, each of which will have a court, be authorized to refer charges to the military courts and review their proceedings, they will continue to prove useful to the Army. If the present law is to continue, they are expensive incumbrances.

If you should desire it I will forward to you the outlines of a law which will embody the principal features that experience has shown should characterize the military courts, to be presented to Congress at their next meeting, and I hope their wisdom will see proper to remedy the objections above pointed out in the existing constitution of those tribunals.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[First indorsement.]

MARCH 26, 1864.

Respectfully referred to the President, who may be interested to learn General Lee's well-considered opinion of the objections to the recent legislation of Congress relative to military courts and the amendments that are desirable.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

APRIL 1, 1864.

SECRETARY OF WAR:

I do not find in the law referred to anything which requires the commanding general to refer all charges to the military courts. It seems to me to be placed just where the Articles of War, the Regulations of the Army, and practice in relation to general courts-martial had before fixed it. The revision of the proceedings by the commanding general is made obligatory wherever it was requisite in the case of a general court-martial.

J. D.

GENERAL ORDERS, No. 38. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 23, 1864.*

I. The second and third paragraphs of General Orders, No. 8, Adjutant and Inspector General's Office, series of 1862, are hereby revoked.

II. With a view to facilitate the organization of citizens of Maryland into companies, squadrons, battalions, and regiments, in accordance with the act to authorize and provide for the organization of the Maryland Line, published in paragraph I, General Orders, No. 8, above referred to, a camp will be established at Staunton, Va., to be called Camp Maryland, and a camp near Hanover Junction, to be called Camp Howard.

III. The troops now under the command of Col. Bradley T. Johnson will for the present occupy Camp Howard, and all other Maryland companies, squadrons, and battalions will, upon their written application, be detached by commanding generals from their present commands and ordered to proceed, for the purpose of being organized into regiments, either to Camp Maryland or to Camp Howard, as they may elect.

IV. All persons now in service in other than Maryland companies who are, or were at the commencement of the war, native or adopted citizens of Maryland, and who desire to join companies from their own State, will, upon their application in writing, with reliable evidence of their citizenship, addressed and sent directly to the commandant of Camp Maryland or to the commandant of Camp Howard, be transferred to the Maryland Line, and at their option will either be assigned to Maryland companies now existing, or, provided the number be sufficient, organized into new companies with the privilege of electing company officers. And persons now in service in Maryland companies who are citizens of other States will, upon their request in writing, accompanied by proper evidence of their citizenship, be transferred by commanding generals to any company from their own States in the army to which they belong.

V. Upon receipt of orders from this office making transfers in accordance with the preceding paragraph commanding generals are directed to forward the men so transferred to the camp designated in charge of commissioned officers, and they will furnish every possible facility for the prompt movement of companies, squadrons, and battalions as directed in the third paragraph of this order.

VI. All native or adopted citizens of Maryland who are not now in the Confederate service will, upon application to either of the commandants herein mentioned within the next sixty days, be enlisted into the Maryland Line, and at their option assigned to existing Maryland companies or organized into the new companies hereinbefore provided for.

VII. Major-General Elzey is relieved from the command of the Department of Richmond and assigned to the command of the Maryland Line. He will for the present take immediate command of Camp Maryland. Col. Bradley T. Johnson will assume command of Camp Howard. They will at once proceed to carry out the purpose of these orders.

By order:

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 39. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 24, 1864.*

The following act of Congress is published for the information of those interested:

AN ACT to authorize the impressment of meat for the use of the Army, under certain circumstances.

The Congress of the Confederate States of America do enact, That whenever the President shall declare that the public exigencies render it necessary, impressments of meat, for the use of the Army, may be made from any supplies that may exist in the country, under the express condition that just compensation shall be afforded to the owner of the meat taken or impressed, and subject to the following restrictions and limitations:

SEC. 2. The power to direct such impressments shall be conferred upon the Secretary of War; but he shall not reduce the supplies of any person below one-half of the quantity usually allowed for the support of himself, his family, and dependents for the year. He shall exercise the said power by orders directed to the officers or agents he may employ, who shall have explicit instructions as to the mode of its execution, and injunctions that the same shall not be abused.

SEC. 3. That these orders shall direct that a notice shall be given to the owner of the meat needed, his bailee or other agent, declaring the quantity required, the price offered, the existence of a necessity, and whether possession is to be taken of the same immediately, and with whom the risk of the safe-keeping is to be, pending the negotiation, and in what manner the compensation shall be settled, in case the offer is not accepted—service of which notice shall be a condition precedent to any impressment or seizure by the impressing officer.

SEC. 4. That upon the service of this notice upon the owner of any meat liable to impressment, the owner shall hold the same subject to the claim of the Confederate States, and shall be entitled to just compensation, according to the provisions of this act; and if the necessity is declared by the impressing officer to be urgent, he shall deliver the possession to the impressing officer upon his demand, who shall give a receipt therefor, as provided in the sixth section of this act.

SEC. 5. That for the ascertainment of the quantity of meat liable to impressment under this act, and also of just compensation for the same, where the owner and the impressing officer cannot agree, the impressing officer shall appoint one loyal and disinterested citizen of the county, district or parish, in which the meat impressed shall be at the time of impressment, and the owner of the meat so impressed, his agent, or other bailee, shall appoint another, who shall, upon oath, ascertain the quantity liable to impressment, and the value of the same at the date of the notice served upon the party, which oath may be administered by the impressing officer, and which ascertainment of the quantity and value shall be conclusive evidence thereof; and if the assessors cannot agree, they may associate with them a third person, of like qualifications, to make said assessments.

SEC. 6. That whenever an impressment shall be made, under this act, it shall be the duty of the impressing officer to give an official certificate, showiug the quantity taken, the company, battalion, regiment or other command, for whose use it is required, the compensation to be paid, the circumstances of necessity that existed, which certificate shall be evidence of a claim against the Confederate States, and shall be promptly paid by the disbursing officer of the command for which the meat was taken, or by the chief of the bureau having charge of disbursements for similar objects.

Approved February 17, 1864.

I. The necessity for the impressment of meat under the above act having arisen, in the opinion of the President, these regulations for the exercise of the power of impressment are made, under the authority of the preceding act of Congress, by the Secretary of War.

II. The power to make the impressment under this act is conferred upon the commanding generals of departments, and of armies in the field, to be exercised by officers specially designated by them for that purpose, and also upon the chief of the Subsistence Department, and such officers of his Bureau as he may select.

III. When any impressment of meat is required, the impressing officer will require a statement of the supplies on hand, the number of persons to be provided for, the length of time for which the provision

is made, and will, thereupon, if he shall conclude that there is a cause for impressment, proceed to give the notice required by the third section of this act.

IV. The officer making the impressments will in all cases commence by giving a written or printed notice, which shall express all the particulars contained in the section aforesaid, and he will take care not to impress more of the supplies of any owner than the act of Congress permits.

V. If any question should arise as to the quantity of the meat in possession of the owner, or whether a reasonable allowance has been made under the conditions of this act, or in reference to the rate of compensation to be paid, the difference will be settled, according to the fifth section of the act. The decisions of the arbitrators appointed under this section will be conclusive upon both the impressing officer and the owner, and the settlement will be made according to the award.

VI. A report of all impressments under this act, whether by officers in the field or by officers of the Subsistence Department, will be made to the chief of the Bureau of Subsistence by the officer making it.

VII. The attention of officers in the field who may be required to make impressments under this act is particularly directed to the conditions of the sixth section, and they are specially directed to conform in all cases to the same. Any deviation from this order will subject the officers concerned to punishment.

VIII. No impressment under this or any other order shall be made of milch cows or of the breeding stock of any farm or plantation.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR } BUREAU OF CONSCRIPTION,
No. 12. } *Richmond, Va., March 24, 1864.*

The following is prescribed as the form of the bond required in the second clause, fourth article, tenth section, of the late military bill, and with slight alterations may be adapted to the cases of agricultural details:

THE CONFEDERATE STATES OF AMERICA,
STATE OF ——— ———.

Know all men by these presents, That we (name of principal), of ——— County, in the said State (name of surety), of ——— County, and (name of surety), of ——— County, in the said State, are held and firmly bound unto the Confederate States of America, in the penal sum of (double the estimated value of produce to be delivered, in words, not figures) dollars, to be paid to the said Confederate States of America; for which payment, well and truly to be made and done, we bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally, firmly, by these presents.

Sealed with our seals and dated this —— day of ———, in the year of our Lord one thousand eight hundred and sixty- ——.

Whereas, the above bound (name of principal) has applied for the exemption of (himself or name of person exempted) as ("overseer" or "agriculturalist," as the case may be), under the fourth article of the tenth section of the act of Congress, approved 17th February, 1864, entitled "An act to organize forces to serve during the war," there being upon the farm or plantation of the said (name of owner of farm), for which exemption is sought (number in words) able-bodied slaves between the ages of sixteen and fifty, within the meaning of said act; and which application is to be granted upon the satisfactory execution of this bond.

Now the condition of this obligation is such, that if the above bound (name of principal) shall deliver to the duly authorized officer or agent of the Confederate States, at (railroad depot, or other station agreed upon), or at such other place as may be directed by the Secretary of War, or his duly authorized officer or agent, within twelve months from the date hereof (number in words, not figures) pounds of bacon, or, at the election of the Government, its equivalent in pork, and (number in words, not figures) pounds of net beef (said beef to be delivered on foot), to be paid for by the Government at the prices fixed by the commissioners of the State, under the impressment act; and shall sell the marketable surplus of provisions and grain now on hand, and which he may raise from year to year while this exemption continues, to the Government or to the families of soldiers, at prices not exceeding the prices fixed by the commissioners of the State, under the impressment act; and shall in all other respects faithfully conform to the requisitions of the said act, under which the said (name of person exempted) is exempted, according to the true intent and meaning thereof (he being entitled to the commutation therein provided, upon compliance with the terms thereof), then this obligation to be void and of no effect, or else to remain in full force and virtue.

——— ———. [SEAL.]
——— ———. [SEAL.]
——— ———. [SEAL.]

Signed, sealed, and delivered in presence of—

By command of Col. John S. Preston, superintendent:
THOMAS GOLDTHWAITE,
Acting Assistant Adjutant-General.

[MARCH 24, 1864.—For Watts to Davis, in relation to completion of railroad from Blue Mountain, Ala., to Rome, Ga., see Series I, Vol. LII, Part II, p. 647.]

OFFICE COMMANDANT OF CONSCRIPTS,
Montgomery, Ala., March 25, 1864.

Lieut. Gen. LEONIDAS POLK,
Comdg. Department of Mississippi, &c., Demopolis, Ala.:

GENERAL: I have the honor of acknowledging the receipt of your communication of the 24th instant,* but regret that I cannot fully agree with you in regard to my duties relative to the supporting force placed under my control by the superintendent of conscription. Though I have perfect confidence in your disposition to advance the wishes of the Government in its every effort to support and recruit our armies, yet I cannot but think that the withdrawal from the immediate control of the Bureau of Conscription of a force which has been found so indispensable for the past six or eight months in the enforcement of the conscription laws will prove most detrimental to the service. As commandant of conscripts for this State I am charged not only with the enforcement of the conscript laws, but with the duty of arresting and returning to their commands all stragglers and deserters. A large portion of this State is in such a condition that the constant presence of an armed force is absolutely necessary to secure even respect. In some portions, even with the force at present engaged in this service, I am unable to overcome the armed resistance presented. In view of these facts, I feel confident it would be imposing a tax heavier than you contemplate to render me the assistance necessary for this service.

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*Not found.

I beg leave respectfully to call your attention to the fact that whilst Brigadier-General Pillow was charged with these duties, under the direction of General Johnston, in the Department of Tennessee, Alabama, and Mississippi, he was unable to suppress desertion and disaffection by such details as Generals Johnston and Bragg were then able to afford him, and that upon repeated applications, approved by General Bragg, the Honorable Secretary of War was at last induced to allow the organization of a sufficient number of companies which you now desire to perform this duty. This power was left discretionary with Brigadier-General Pillow so far as the number of companies was concerned. Under the discretionary power so granted, Brigadier-General Pillow raised over twenty companies in this State as a supporting force to his system of conscription. When this force was organized little less than a reign of terror existed in a large portion of Alabama. The operations of this force and the inclemency of the past winter have for a time produced comparative quiet and confidence and greatly reduced the number of deserters and recusants. It is reasonable to expect that during this spring and coming summer the number of deserters will increase, and an ample supporting force will be indispensably necessary.

Under present regulations the Bureau of Conscription is charged with the duty of returning all absentees and deserters from the Army. Monthly reports of such are rendered by the various regiments in the field to the Bureau of Conscription and the War Department, and veteran soldiers in the field look to the Bureau of Conscription to return those who have deserted the post of duty. Brigadier-General Pillow having been ordered to the field, and the entire control of this service having been transferred to Colonel Preston, he directed me when in Richmond recently to inspect and report upon the condition of the supporting force organized by Brigadier-General Pillow, stating that he did not believe that it would be necessary to retain all that Brigadier-General Pillow had organized under discretionary power, but that so little was known of the condition and material of which these companies were composed that no order could be made relieving them until inspected and reported upon. On my arrival at this place, on my return from Richmond, Brigadier-General Pillow showed me a letter from the Honorable Secretary of War authorizing him to organize for field service such companies of the supporting force as Colonel Preston should turn over to him, after all parties liable to conscription should have been taken out. Brigadier-General Pillow insisted that I should at once turn over to him all but seven companies. This I was not authorized to do, but believing that Brigadier-General Pillow had retained whilst superintendent of conscription more companies than were actually necessary, and being anxious to contribute whatever I could consistently with orders to secure him a command in the field, I telegraphed Colonel Preston for authority to turn over at once such companies of the supporting force as I did not need. This authority was granted by telegram, leaving me, of course, responsible for any error that might be committed by turning over too many companies, or by turning over companies out of which the conscripts had not been taken. Under that authority I turned over to Brigadier-General Pillow what purported to be thirteen companies out of twenty-five reported to me. This is as low as I feel that I could safely reduce the force under the power granted me by Colonel Preston, unless he were to direct otherwise. I regret that Brigadier-General Pillow seems to think that I am not disposed to assist him in obtaining a

command in the field, and I regret that anything should occur at this time to embarrass Colonel Preston's system of conscription, but I rely with confidence upon your sound judgment, and upon the promises you have so kindly made that you will furnish whatever assistance may be required for this service, and thank you most heartily for your expressions of confidence made known to Major Thompson in his interview and communicated to me by him. A copy of this correspondence will be forwarded to Colonel Preston by next mail, asking instructions.

I am, general, very respectfully and truly, your friend and obedient servant,

H. C. LOCKHART,
Lieutenant-Colonel and Commandant for Alabama.

[MARCH 26, 1864.—For Magruder to Smith, inclosing correspondence with the Governor of Texas in reference to State troops, see Series I, Vol. XXXIV, Part II, p. 1087.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
March 26, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond:

SIR: I have the honor to suggest that in my opinion a plan might be adopted which would sensibly lessen the issue of Confederate money without doing injustice to the rights of any one. Since I have had the command of this army large amounts have been paid to citizens for articles consumed or destroyed by the troops, or for damages of different kinds. These payments have all been made in money, although much of the property paid for was such as the owner would probably never have sold, or at any rate not for a long time. In the situation in which we are placed it is probably necessary to give every inducement we can to the people to sell us what we require, and we cannot avoid paying them in the way that they prefer. But such need not be the case with reference to such things as wood for fuel, taken by the troops. The wood they use is not generally a source of income or revenue to the owner, nor in most cases, if it were not burned by them, would it be cut for many years. It contributes to the value of the real estate, but can hardly be regarded as personalty. There is no reason why it should be paid for in money, as the owner would be equally well off if paid in bonds or certificates of indebtedness, to constitute the foundation of a claim hereafter.

I respectfully recommend that this plan be adopted, and that it be extended to all claims resting upon the same grounds. When property usually sold in market or in the ordinary business of the owner is taken or destroyed there may be some equity in his claim to be paid in current money; so in those cases where property is destroyed that must be restored, such as fences, houses, &c. But in all other cases a great deal of money might be saved by giving bonds or certificates. If this cannot be done to the whole amount of the claim, part at least might be thus settled.

As I take it to be desirable to make the issue of the new currency as slow as possible, I respectfully suggest that action in this matter

be taken at once. In many cases persons have received more for wood used by the troops, and which but for such use would now be standing, than was originally paid for the land itself. It is evident that if all the property of this kind is to be converted into currency the volume of it must be greatly augmented.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[MARCH 26, 1864.—For Davis to Vance, in relation to the business of blockade running, see Series I, Vol. LI, Part II, p. 841.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 28, 1864.

General R. E. LEE:

GENERAL: I have the honor to acknowledge your letter calling my attention to the serious inconveniencies resulting from the recent legislation of Congress respecting the military courts.*

I concur fully with your views, and my recommendations for the action of Congress were of an opposite tendency and sought to give greater facilities for their action and to relieve both the commanding general and the President from the burden of reviewing the cases decided. I was not consulted in reference to the act passed, and I think it very probable some misapprehension existed in consequence of an impression prevailing (correctly, I believe) that the President considered it incumbent under the Articles of War that the records should be reviewed by the commanding general. I will take pleasure in calling the matter to the notice of Congress at its next session, and will endeavor to procure such legislation as will conform to your views, and while adding to the efficiency of the military courts yet lighten the labors now injudiciously cast on you and other commanders in the field.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

[MARCH 28, 1864.—For Smith to Davis, in relation to the intentions of Governor Murrah with reference to the Texas troops, see Series I, Vol. XXXIV, Part II, p. 1095.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 29, 1864.

General R. E. LEE,
Commanding Army of Northern Virginia:

GENERAL: I have the honor to acknowledge your letter of the 26th instant and to express my obligation for the counsel you suggest in regard to the use of certificates of indebtedness. My own judgment fully approves the policy you recommend, and it was owing in some measure to suggestions and urgency on my part that there

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* See p. 246.

was made in the recent currency bill a provision for the issue and use of certificates of indebtedness. These certificates have been made, by the provision allowing 6 per cent. interest and exemption from taxation, so tempting in comparison with other Confederate issues that it is hoped with confidence they will be received in payment not only of such claims as you more specially refer to, but likewise in part on general purchases through preference, or at least without objection, by the people. They will, so used, greatly diminish the volume of the currency it will be necessary to issue, and every effort shall be made by the Department to make them as available to this end as possible. No one can be more thoroughly satisfied, or perhaps none has better opportunities to feel the necessity of reducing our redundant currency and of maintaining it at some fixed reasonable standard. It is very difficult to correct the excesses to which we have been incautiously led in the issue of notes circulating as money, but I am hopeful, with the perception of the evil that now prevails, both with the people and their representatives, there will be a steady reduction of the notes issued to the reasonable amount required for circulation, and an inflexible determination to maintain the circulation steady.

In my opinion almost any sacrifice ought to be made to obtain credits requisite to carry on the war rather than to recur to the most expensive and mischievous of all modes—the issue of a redundant currency. To aid I shall endeavor to obtain supplies from abroad, and even through our lines by an exchange of our products. Even in our own limits I expect to introduce and rely upon to a considerable extent a system of barter. I am happy to think in all this I shall have, as I infer from your letter, your approval and co-operation.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

[MARCH 29, 1864.—For Lee to Seddon, in relation to the subject of exportation, with copy of general orders for the guidance of the army, see Series I, Vol. LI, Part II, p. 842.]

GENERAL ORDERS, No. 40. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 29, 1864.*

I. The enlistment of deserters is a serious evil in the service. The attention of the Army is therefore directed to the Twenty-second Article of War, which provides that "no non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reported a deserter and suffering accordingly; and in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, the said officer shall by a court-martial be cashiered."

II. A strict observance of this law, and the arrest and trial of all who violate its injunctions, are required.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 29, 1864.

His Excellency WILLIAM SMITH,
Governor of Virginia:

SIR: Your letter of the 22d instant,* in regard to the State force in the city of Richmond, has been referred to the Conscript Bureau with this indorsement:

The men in these militia organizations come, in my judgment, under the liabilities to military service declared by the act of the Confederate Congress. They are none of them "troops of war" kept by a State in time of war in the contemplation of the Constitution. Being thus liable, those capable of active service in the field between the ages of eighteen and forty-five must be at once conscribed and devoted to the old organizations, either by their own selection or by assignment. Those who would belong to the reserve forces, being already in organizations similar in a great degree (though under State authority) to those contemplated for the reserve, and by their union with others not liable to conscription, holding perhaps together a larger local force than might otherwise collect, need not at once be called into Confederate service, but may be allowed to remain as they are until further orders. The claim to them cannot be surrendered, but the contingencies of the future must determine whether they may not be more usefully employed in their present organizations than in new reserve companies for Confederate service.

Very respectfully, your obedient servant,
JAMES A. SEDDON,
Secretary of War.

RALEIGH, *March 29, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I received the inclosed letter† from Mr. Boyden to-day. Mr. B. resides in Salisbury, but you will see that the letter was written from the residence of C. I. Pierson. I have written Mr. B. in reply that he misinterpreted my letter in supposing that all persons who had sued out writs prior to the orders from your Department of the 10th instant were to be put upon the same footing as those who were discharged at Salisbury. In the latter cases the ordinary return was made that the parties were held for military duty. In the cases referred to by Mr. Boyden the returns were under the orders of Colonel Mallett, he having received orders before yours of the 10th instant from the Conscript Bureau. Mr. B. states the returns and says that a motion will be made to discharge the parties upon the ground of the insufficiency of the returns—I presume for the reason that they do not correspond with the orders of the 10th. I have explained to Mr. B. the whole matter and said to him that I had neither power nor inclination to interfere further, and also that I did not believe the general would regard any discharge granted in any such case. How many cases there are of this kind I know not. There were some 115 or 120 of the Salisbury cases.

I received your last letter. Am I to receive any commission as commissioner, or any other instructions than those embraced in the order of the 10th of March, 1864?

Very respectfully,

THS. BRAGG.

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* Not found.

† Omitted.

[MARCH 30, 1864.—For Smith to Martin, calling out State troops to report at Marshall, Tex., see Series I, Vol. XXXIV, Part II, p. 1099.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., March 30, 1864.

W. N. ESTELLE, Esq.,
Mobile, Ala.:

SIR: You will find herewith inclosed the orders relative to the suspension of the writ of habeas corpus with the act on that subject.*

The Department desires that you will undertake the charge of commissioner for carrying into effect the act and orders under it in the State of Mississippi. The orders sufficiently express the duties you have to perform. You are also requested to afford counsel to the commander of conscripts and the enrolling officers in cases that may arise in which the interposition of that writ may be claimed.

You are authorized to detail one or more assistants from the class between forty-five and fifty, or to designate some gentlemen above that age to aid you if the duties become too onerous for your personal attention.

Congress failed to make an appropriation to carry into effect this act, but will doubtless do so at its next meeting in May. You will keep an accurate account of the expenses and send it to this Department previous to the meeting of Congress. A reasonable and proper compensation will be allowed to you for the duties you may be required to perform.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

(Same to J. M. Forbes, Saltville, Va., appointed commissioner for State of Virginia, and to Alexander R. Boteler, Richmond, Va.)

CIRCULAR No. 13.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., March 31, 1864.

Commandants of conscripts will forthwith proceed, in compliance with General Orders, No. 33, Adjutant and Inspector General's Office, current series, rapidly to enroll all persons between the ages of seventeen and eighteen and forty-five and fifty years, allowing them until the 1st day of May next to join any company for local defense which has been formed under General Orders, No. 86, Adjutant and Inspector General's Office, last series, for the war, or any other company for local defense which has been accepted into the service and which by the terms of its enlistment is liable to service anywhere within the State, or to form themselves into voluntary organizations of companies, battalions, or regiments, and elect their own company officers in conformity with existing law, as provided in the sixth section of the act of Congress to organize forces to serve during the war, published in General Orders, No. 26, Adjutant and Inspector General's Office, current series. Those who do not before the 1st day of May next

*See General Orders, No. 31, March 10, p. 203.

volunteer or organize themselves into companies will be formed into companies, battalions, and regiments under regulations to be prescribed therefor.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

C. S. QUARTERMASTER'S DEPT., RAILROAD BUREAU,
Richmond, March 31, 1864.

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: The necessity of more rapid communication with Wilmington has long been felt, but has failed of accomplishment from a want of harmony with the railroad officers. I am satisfied that we can expect no lasting improvement until the three roads between this city and that are under one management and worked as one corporation. I am also satisfied that this can never be done if the wishes of the present officers are consulted. Three presidents and as many superintendents will be sure to find reasons why no good could result from such an arrangement. I would therefore recommend that the six officers of these roads above named be convened and the wishes of Government be unfolded to them, at the same time assuring them that the temporary amalgamation was a military necessity and must be complied with. The terms should be liberal, as the end, if attained, is beyond price. If the Government would take the roads with all rolling-stock, shops, machinery, tools, &c., just as they stand, and agree to pay an annual interest of 12½ per cent. until the war closes, and then to replace the roads, &c., in as good condition as received, there would be no reasonable objection to turning them over to the Government. It is not an object to stickle about terms if the companies can be brought to agree to it; and so important do I consider the arrangement that I urge it upon your consideration even to the extent of an impressment.

I am, general, very respectfully, &c.,

F. W. SIMS,
Lieutenant-Colonel, &c.

[Indorsement.]

APRIL 1, 1864.

As this proposition involves the exercise of large powers, and may involve very heavy expenditures on the part of the Government, it is respectfully submitted to the Secretary of War for his sanction.

A. R. LAWTON,
Quartermaster-General.

[MARCH 31, 1864.—For Smith and Magruder to Murrah, urging, in view of the situation, that every armed man be put into the field, and referring to the demoralization caused by the action of the State authorites, see Series I, Vol. XXXIV, Part II, p. 1103.]

[MARCH 31, 1864.—For Polk to Seddon, in relation to the operations of the Bureau of Conscription in the Department of Alabama, Mississippi, and East Louisiana, with indorsements, see Series I, Vol. XXXII, Part III, pp. 723–726.]

GUYTON, GA., *March 31, 1864.*

His Excellency President DAVIS:

DEAR SIR: I trust you will pardon the liberty I take in calling your attention to the above extract* from the Savannah Morning News.

You here see an act of great injustice about to be perpetrated on our brave soldiers in the field. Nine-tenths of the militia officers of Georgia are between the ages of eighteen and forty-five, and thus, under Governor Brown's protection, they will escape all military service. The idea of keeping up such a militia organization is simply absurd. Their commands will consist of boys from sixteen to seventeen, and of men between fifty and sixty, who had no voice in the election of said officers, and who would much prefer men from among their own number. There are few of the people of Georgia, men and women, who do not, after God, place all their trust in you, and confidently look to you to interpose your authority to stop this outrageous wrong. All between the ages of seventeen and fifty should, as by law they are required to do, immediately take their places in the ranks, and particularly these same unpatriotic militia officers. Relying on your sense of justice, I trust you will give the foregoing lines your attentive perusal.

With the assurance that you and yours are daily commended to the care, protection, and guidance of our Heavenly Parent, and sympathizing deeply with you in your many cares and perplexities,

I remain, your obedient servant,

J. C. MATHER.

[First indorsement.]

Respectfully referred, by direction of the President, to the superintendent of the Bureau of Conscription for attention.

BURTON N. HARRISON,
Private Secretary.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, April 13, 1864.

Respectfully referred to the commandant of Georgia for attention.

By order of Colonel Preston:

THOMAS PINCKNEY,
Acting Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS CONSCRIPTION,
Macon, Ga., April 30, 1864.

Respectfully referred to Major Rowland for attention.

WM. M. BROWNE,
Colonel and Commandant.

[Fourth indorsement.]

HEADQUARTERS CAMP COOPER,
Macon, Ga., May 2, 1864.

Respectfully forwarded to Colonel Browne.

The statement made in the extract appended to the within letter is no doubt true. Many men between eighteen and forty-five have been

* Inserted as an inclosure, following.

elected under the militia law of Georgia recently, and received commissions from the Governor. No method is known by which such men can be properly sent to the field, they being understood to be exempt therefrom by the recent proclamation of Governor Brown, as necessary to the militia service of the State.

For the commandant:

R. S. LANIER,
Lieutenant and Acting Adjutant.

[Fifth indorsement.]

HEADQUARTERS CONSCRIPTION SERVICE,
Macon, Ga., June 6, 1864.

Respectfully forwarded to Col. John S. Preston, superintendent Bureau of Conscription.

There can be no doubt of the truth of the statement of the within letter or of the justice of the writer's appreciation of the facts. As far as I can learn, almost all the militia and civil officers exempted by the Governor of Georgia "as necessary to the State Government" are between the ages of eighteen and fifty and fit for field service. District and sub-engineer officers have been directed to obtain and furnish these headquarters accurate information as to the number of officers in their respective districts and counties thus exempt, together with their ages and date of appointment or election, which will give a precise exhibit of the extent to which these wholesale exemptions have affected the effective strength of the Army.

WM. M. BROWNE,
Colonel and Commandant.

[Inclosure.]

THE STATE MILITIA.

The Legislature at its extra session having transferred all between the ages of seventeen and fifty to the Confederate Government, the Milledgeville Union says Governor Brown immediately sent a copy of the resolutions to the Secretary of War and requested him to permit the militia so transferred to volunteer and elect their own officers. So soon as the reply of the Secretary of War is received the decision will be made public.

"It is proper here to remark," says the Union, "that the transfer of those between seventeen and fifty does not disband the militia organization of the State. The newly elected militia officers will retain command of the reserved militia between sixteen and seventeen and between fifty and sixty, together with such exempts from Confederate service as are not exempts from State militia duty. The reserved will remain a complete organization for police purposes and for the suppression of servile insurrection or internal troubles in the counties of their locality."

[MARCH 31, 1864.—For Davis to Vance, in relation to affairs in North Carolina (military and civil appointments, &c.), see Series I, Vol. LI, Part II, p. 844.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 1, 1864.

General R. E. LEE,
Commanding, &c.:

GENERAL: Your letter of the 29th ultimo has been received.* The draft of the orders proposed to be issued by you has been considered and the orders are approved. The only question is whether, if they should be discovered by the enemy, their attention to the trade we propose to carry on might not be awakened. But the probability is that the trade itself and not the orders will come to their knowledge most readily. It is of importance that no obstruction should be opposed by the pickets to the persons engaged in the trade, and that those concerned should be facilitated and protected as much as possible. The expectation of the Department is to press it to the fullest extent that it may be found practicable. The regulation of the import trade was excluded from the act of Congress purposely. The difficulty of subjecting it to military inspection and regulation has been discovered by experience, and it was thought that any effort to control it by military authority might be productive of mischief. Persons bringing imports can be required to report to the custom-house, and this, perhaps, will be sufficient.

A list of the prohibited articles will be found in the paper inclosed.† In case of the seizure of any articles of the kind, the articles seized should be sent to a receiving officer or to the marshal of the district.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[APRIL 1, 1864.—For Lee to Cooper, in relation to disbanding partisan rangers, see Series I, Vol. XXXIII, p. 1252.]

[APRIL 1, 1864.—For Polk to Clark, in relation to the transfer of Mississippi State troops to the Confederate service, see Series I, Vol. XXXII, Part III, p. 730.]

CONFEDERATE STATES OF AMERICA, SUBSIST. DEPT.,
OFFICE OF CHIEF COMMISSARY FOR VIRGINIA,
Richmond, Va., April 1, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond:

SIR: The plan adopted by Judge Campbell for regulating the export of cotton and tobacco through our lines along the Rappahannock and Potomac border is to require the bond to be taken and the permits indorsed by me to some local officer, who indorses them with the length of time for which they can be used. He has so informed General Lee, and asked the prohibition of all trade not authorized by such permits. On the North Carolina and Tennessee border, where a heavy trade is going on, the permits cannot readily be granted

*See Series I, Vol. LI, Part II, p. 842.
†Not found as an inclosure.

by the War Department, and I would, therefore, respectfully suggest that all permits for trade in those sections be granted by the general commanding, who shall require them before being valid to be indorsed by the chief commissary of the State or district, or some officer specially charged by the chief or district commissary with the control of that business. On the North Carolina border General Pickett could grant the permit, and Maj. R. Tannahill, the chief district commissary, should indorse it, and in the Southwest General Breckinridge's permits should be indorsed by Maj. Joseph Cloyd, the chief district commissary.

Agents for railroad companies are now at work in North Carolina with permits from General Whiting, exchanging cotton for bacon, pound for pound, while our agents are exchanging two and three pounds of bacon for one of cotton. The trade should be under the control of designated officers, and thus uniformity and regularity could be attained and fraud and speculation prevented.

I am, respectfully, your obedient servant,

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

[Indorsement.]

APRIL 4, 1864.

ASSISTANT SECRETARY:

If your judgment approves, will you give the requisite instructions? If not, I should be pleased to have the benefit of your counsels. I am inclined to make the modification of requiring the permit from the commissary and the approval by the general rather than as suggested.

J. A. S.,
Secretary.

Circular list.

COLUMBUS, MISS., *April 1, 1864.*

The undersigned, commissioners for the State of Mississippi under the act of Congress regulating impressments, establish the prices following, to be paid from this date by the Government until further notice, for property impressed or taken for the public use "in the hands of any person other than the persons who have raised, grown, or produced the same, or persons holding the same for their own use or consumption," in the following districts:

First District: Composed of the counties of Carroll, Chickasaw, Choctaw, Holmes, Issaquena, Kemper, Lowndes, Monroe, Noxubee, Oktibbeha, Sunflower, Tallahatchie, Yalobusha, and Yazoo.

Second District: Composed of the counties of Amite, Attala, Bolivar, Clarke, Claiborne, Coahoma, Copiah, Franklin, Jasper, Jefferson, Lauderdale, Lawrence, Leake, Marion, Neshoba, Newton, Pike, Rankin, Scott, Smith, Tunica, Wayne, Wilkinson, Winston, and Washington.

Third District: Composed of the counties of Calhoun, De Soto, Itawamba, Lafayette, Madison, Marshall, Panola, and Pontotoc.

Fourth District: Composed of the counties of Adams, Covington, Greene, Hancock, Harrison, Hinds, Jackson, Jones, Perry, Simpson, Tippah, Tishomingo, and Warren.

Prices of subsistence and quartermaster's stores.

Articles.	Quality.	Description.	Quantity.	District.			
				First.	Second.	Third.	Fourth.
Ambulances	First class	Complete with harness	Each	$600.00	$600.00	$600.00	$600.00
Do	Second class	do	do	500.00	500.00	500.00	500.00
Do	Third class	do	do	400.00	400.00	400.00	400.00
Apples	Good	Dried, peeled	Bushel of 28 pounds	4.00	4.00	4.00	4.00
Axes	New	With handles	Each	7.00	7.00	7.00	7.00
Do	do	Without handles	do	6.50	6.50	6.50	6.50
Do	do	Hand, with handles	do	6.00	6.00	6.00	6.00
Bacon	Good	Sides, corn fed	Per pound	1.60	1.60	1.60	1.75
Do	do	Sides, mast or pindar fed	do	1.40	1.40	1.40	1.50
Do	do	Hams, corn fed	do	1.50	1.50	1.50	1.65
Do	do	Hams, mast or pindar fed	do	1.30	1.30	1.30	1.45
Do	do	Shoulders, corn fed	do	1.30	1.30	1.30	1.45
Do	do	Shoulders, mast or pindar fed	do	1.15	1.15	1.15	1.25
Beans	do		Bushel of 60 pounds	2.00	2.00	2.00	2.00
Beef-cattle	First class	Stall fed, first quality	Per pound, net	.50	.50	.50	.50
Do	do	Other kind	do	.35	.35	.35	.35
Blankets	do	Woolen thread	Per pair	30.00	30.00	30.00	30.00
Do	do	Felt	Each	15.00	15.00	15.00	15.00
Brandy	do	Peach or apple	Per gallon	8.00	8.00	8.00	8.00
Do	do	Best French	do	25.00	25.00	25.00	25.00
Camp-kettles	do	Iron	Each	7.00	7.00	7.00	7.00
Candles	do	Star	Per pound	3.00	3.00	3.00	3.00
Do	do	Tallow	do	2.00	2.00	2.00	2.00
Chains	do	Trace	Per pair	5.00	5.00	5.00	5.00
Cloth	do	Woolen, 3-4 wide, 1 ounce per yard, and pro rata for greater or less width.	Per yard	8.00	8.00	8.00	8.00
Coffee	do		Per pound	5.00	5.00	5.00	5.00
Do	Second class		do	4.00	4.00	4.00	4.00
Do	Third class		do	3.00	3.00	3.00	3.00
Corn	Prime	Shelled	Bushel of 56 pounds	1.75	2.10	2.60	3.10
Do	do	Unshelled	Bushel of 70 pounds	1.65	2.00	2.50	3.00
Do	do	In the field	Bushel of 56 pounds				
Corn-meal	do	Bolted	Bushel of 50 pounds	2.25	2.50	2.75	3.00
Do	do	Unbolted	do	2.00	2.25	2.50	2.75
Drills	Good	7-8 wide, 3 yards to the pound, and pro rata for greater or less width or weight.	Per yard	2.75	2.75	2.75	2.75
Flannel	do	3-4 wide, 6 ounces per yard	do				
Flour	Extra family		Barrel of 196 pounds	50.00	50.00	50.00	50.00
Do	do		Sack of 100 pounds	25.00	25.00	25.00	25.00
Do	Superfine		Barrel of 196 pounds	48.00	48.00	48.00	48.00
Do	do		Sack of 100 pounds	24.00	24.00	24.00	24.00
Do	Fine		Barrel of 196 pounds	45.00	45.00	45.00	45.00

Prices of subsistence and quartermaster's stores—Continued.

Articles.	Quality.	Description.	Quantity.	District.			
				First.	Second.	Third.	Fourth.
Flour	Fine		Sack of 100 pounds	$22.00	$22.00	$22.00	$22.00
Fodder	Good	Blade, baled	Per cwt	2.00	2.00	2.00	2.00
Do	do	Blade, unbaled	do	1.75	1.75	1.75	1.75
Harness	do	New	For 4-horse	150.00	150.00	150.00	150.00
Hatchets	do	New, with handles	Each	5.00	5.00	5.00	5.00
Hats	First class	New wool	do	5.00	5.00	5.00	5.00
Do	Second class	do	do	4.00	4.00	4.00	4.00
Hay	Good	Native grass, baled	Per cwt	2.00	2.00	2.00	2.00
Do	do	Native grass, unbaled	do	1.75	1.75	1.75	1.75
Do	do	Timothy or clover, baled	do	2.55	2.55	2.55	2.55
Do	do	Timothy or clover, unbaled	do	2.25	2.25	2.25	2.25
Hogs	Fat	Net, corn fed	Per pound	1.00	1.00	1.00	1.00
Do	do	Net, mast or pindar fed	do	.75	.75	.75	.75
Do	do	Gross, corn fed	do	.75	.75	.75	.75
Do	do	Gross, mast or pindar fed	do	.50	.50	.50	.50
Do	Unfatted	Gross	do	.75	.75	.75	.75
Do	Poor range	do	do	.60	.60	.60	.60
Horses	First class	Artillery	Each	700.00	700.00	700.00	700.00
Do	Second class	do	do	600.00	600.00	600.00	600.00
Do	First class	Cavalry	do	700.00	700.00	700.00	700.00
Do	Second class	do	do	600.00	600.00	600.00	600.00
Do	Third class	do	do	500.00	500.00	500.00	500.00
Iron		Boiler plate	Per net ton	500.00	500.00	500.00	500.00
Do		Flat or band	do	325.00	325.00	325.00	325.00
Do		Hoop	do	450.00	450.00	450.00	450.00
Do		Pig	Per gross ton	100.00	100.00	100.00	100.00
Do	Serviceable	Railroad	do	200.00	200.00	200.00	200.00
Do	Unserviceable	do	do	100.00	100.00	100.00	100.00
Do		Square or round	Per net ton	75.00	75.00	75.00	75.00
Jeans	Good	Domestic, woolen	Per yard	8.00	8.00	8.00	8.00
Lard	do	Corn fed	Per pound	1.75	1.75	1.75	1.75
Do	do	Mast or pindar fed	do	1.50	1.50	1.50	1.50
Leather	do	Harness	do	2.50	2.50	2.50	2.50
Do	do	Sole	do	2.25	2.25	2.25	2.25
Do	do	Upper	Per pound	2.75	2.75	2.75	2.75
Lumber	do	Square edge	Per 1,000 feet	30.00	30.00	30.00	30.00
Do	do	Rough edge	do	15.00	15.00	15.00	15.00
Molasses	do	West India cane	Per gallon	7.00	7.00	7.00	7.00
Do	do	Chinese cane	do	5.00	5.00	5.00	5.00
Mules	First class		Each	500.00	500.00	500.00	500.00
Do	Second class		do	400.00	400.00	400.00	400.00
Do	Third class		do	350.00	350.00	350.00	350.00

Oats	Good	Sheaf, baled	Per cwt	2.00	2.00	2.00	2.00
Do	do	Sheaf, unbaled	do	1.75	1.75	1.75	1.75
Do	do	Shelled	Per bushel	1.50	1.50	1.50	1.50
Onions	do		do	5.00	5.00	5.00	5.00
Osnaburgs	do	3-4 wide, 6 ounces to the yard	Per yard	2.50	2.50	2.50	2.50
Do	do	7-8 wide, 8 ounces to the yard	do	2.65	2.65	2.65	2.65
Pans	New	Mess, sheet-iron	Each	5.00	5.00	5.00	5.00
Peaches	Good	Dried, peeled	Bushel of 38 pounds	6.00	6.00	6.00	6.00
Do	do	Dried, unpeeled	do	4.50	4.50	4.50	4.50
Peas	do		Bushel of 60 pounds	2.50	2.50	2.50	2.50
Potatoes	do	Irish	do	5.00	5.00	5.00	5.00
Do	do	Sweet	do	2.00	2.00	2.00	2.00
Rice	do		Per pound	.20	.20	.20	.20
Rye	do		Bushel of 56 pounds	3.00	3.00	3.00	3.00
Sacks		Osnaburgs, holding 2 bushels	Each	2.50	2.50	2.50	2.50
Salt			Bushel of 50 pounds	15.00	15.00	15.00	15.00
Shirting		Cotton, 3-4 wide, 4½ yards to pound	Per yard	2.55	2.55	2.55	2.55
Do		Cotton, 1 yard wide, 3 yards to pound	do	2.65	2.65	2.65	2.65
Do		Cotton, 7-8 wide, 3¾ yards to pound	do	2.60	2.60	2.60	2.60
Shirting stripes		Cotton, 3 yards to the pound	do	2.80	2.80	2.80	2.80
Shoes		Army	Per pair	10.00	10.00	10.00	10.00
Shoe thread			Per pound	5.00	5.00	5.00	5.00
Shovels		Long handles	Per dozen	60.00	60.00	60.00	60.00
Shucks		Baled	Per cwt	1.50	1.50	1.50	1.50
Do		Unbaled	do	1.25	1.25	1.25	1.25
Soap	Extra	Hard	Per pound	.75	.75	.75	.75
Do		Soft	do	.30	.30	.30	.30
Socks		Woolen, for soldiers	Per pair	2.00	2.00	2.00	2.00
Do		Cotton, for soldiers	do	1.50	1.50	1.50	1.50
Spades			Per dozen	60.00	60.00	60.00	60.00
Sugar	B, extra choice		Per pound	2.00	2.00	2.00	2.00
Do	B, choice		do	1.75	1.75	1.75	1.75
Do	B, prime		do	1.65	1.65	1.65	1.65
Do	B, common		do	1.50	1.50	1.50	1.50
Tallow			do	1.00	1.00	1.00	1.00
Tea	Good	Black	do	5.00	5.00	5.00	5.00
Do	do	Green	do	10.00	10.00	10.00	10.00
Tent cloth		10 ounces to the yard	Per yard	2.80	2.80	2.80	2.80
Vinegar	Good	Cider	Per gallon	3.00	3.00	3.00	3.00
Do	do	Manufactured	do	2.00	2.00	2.00	2.00
Wagons		Wooden axles, 4-horse	Each	300.00	300.00	300.00	300.00
Do		Iron axles, 4-horse	do	350.00	350.00	350.00	350.00
Do		Wooden axles, 2-horse	do	225.00	225.00	225.00	225.00
Do		Iron axles, 2-horse	do	275.00	275.00	275.00	275.00
Warp		Cotton yarns		17.50	17.50	17.50	17.50
Wheat	Merchantable	Good, clean	Bushel of 60 pounds	8.00	8.00	8.00	8.00
Whisky			Per gallon	5.00	5.00	5.00	5.00
Wool	Fair	Washed	Per pound	5.00	5.00	5.00	5.00
Do	do	Unwashed	do	3.50	3.50	3.50	3.50

Rates of transportation.

Hauling, per hundred	per mile	$ .05
Hire of 2-horse team, wagon, and driver:		
Rations furnished by the owner	per day	7.00
Rations furnished by the Government	do	6.00
Hire of 4-horse team, wagon, and driver:		
Rations furnished by the owner	do	10.00
Rations furnished by the Government	do	8.00
Hire of 6-horse team, wagon, and driver:		
Rations furnished by the owner	do	12.00
Rations furnished by the Government	do	10.00
Hire of laborer:		
Rations furnished by the owner	do	1.50
Rations furnished by the Government	do	1.00
Rations furnished by the Government	per month	25.00

The foregoing are the maximum prices to be paid wherever purchased or impressed, the Government paying for transportation.

The undersigned deem it proper to state that the foregoing are the prices at which alone Government agents can, without a violation of law, impress private property, and for the information of all concerned that section of the impressment act which prescribes the pains and penalties incurred by a violation of its provisions is hereto appended:

SEC. XI. That any commissioned or non-commissioned officer or private who shall violate the provisions of this act shall be tried before the military court of the corps to which he is attached, on complaint made by the owner or other persons; and on conviction, if an officer, he shall be cashiered and put into the ranks as a private; and if a non-commissioned officer or private, he shall suffer such punishment not inconsistent with military law as the court may direct.

The undersigned can be addressed at Brooksville, Mobile and Ohio Railroad, Noxubee County, Miss.

JNO. J. McRAE,
G. D. MOORE,
Commissioners.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 2, 1864.

Lieut. Gen. L. POLK,
Commanding, Demopolis, Ala.:

GENERAL: The Bureau of Subsistence has a confidential contract with Mr. William J. Stoddard, of Alabama, for getting meat from the north side of the Tennessee River into our lines. Mr. Stoddard writes that he has already a permit for 20,000 pounds of bacon, and says his agent thinks he can obtain a large amount provided he (Stoddard) can protect a steam-boat to bring it up the Tennessee River, but that he has no authority to protect his boat. Mr. Stoddard will be instructed to see you and lay his contract before you. I am not prepared to recommend protection to a boat on the Tennessee unless laden with a much larger amount of subsistence or other stores for the Government or without ample assurance of the loyalty of the captain and parties controlling it. You will, however, be better prepared to judge whether any and what protection should be allowed, and the matter is submitted with confidence to your discretion and superior knowledge of the circumstances.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 2, 1864.

PETER HAMILTON, Esq.,
Mobile, Ala.:

There will be no objection to your detail of any person to assist you in the performance of the duties of commissioner under Orders No. 31 who may not be liable to service in the field. An exempt from disability or other cause may be detailed, but the Department desires that the details shall not exceed the exact necessity for service. Several cases of hardship and injustice arising from arrests in the Department of Alabama have been reported to this Department, and lately a Mrs. Knox was sent to Richmond without any charges being sent or cause assigned for such a proceeding. The Department expects of you to examine all such persons and that your direction to discharge a person under arrest shall be sufficient. If there be a reasonable cause for arrest or detention you will perform what is required by Orders No. 31.

There is not the slightest disposition upon the part of this Department to use the power conferred by the act of Congress for the arrest of parties except to maintain the efficient execution of the acts of Congress for the organization of the Army and to protect the country from the invidious operations of the enemy. It desires that a candid investigation shall take place in all cases, and that justice be awarded to all persons charged with offense in any form. It desires that the administration under this law shall be such as to vindicate those who made it under the extraordinary circumstances of the time for having intrusted the powers it confers with this Department.

Very respectfully, your obedient servant,

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 2, 1864.

Hon. THOMAS BRAGG,
Raleigh, N. C.:

Your letter of the 29th ultimo has been received. It is not supposed any commission is necessary to enable you to perform the duties imposed upon you under the letter of appointment already in your possession.

The Department has not issued any instructions other than those contained in General Orders, No. 31, of the 10th of March, ultimo. It desires that as little obstruction be made to the operations of the civil tribunals as is compatible with the execution of the acts of Congress relative to the organization of the Army. When a case is presented in which there is a reasonable claim for relief from the service under the law, and when there is a bona fide effort to test the validity of the claim, the Department has no desire to prevent the litigation of such a claim. Its object is to employ the power given by the act to prevent those who desire to evade the service from availing themselves of the crude opinions and injurious efforts of some judges who seem to have come to the conclusion that by diminishing the Army and obstructing the authority of Congress they are performing a public duty. The Department desires that all cases in which persons

have been or may be arrested shall be examined under your directions, and that none shall be retained in custody against whom there is not a valid cause for arrest and detention. That in the cases in which the courts can render adequate security the parties charged shall be placed at their disposition and control, and that no person shall be retained in the military custody whose conduct has not fairly warranted such a detention. These cases are comparatively few, and when they are discovered a report should be made of the facts and the evidence to the Department as is provided for by General Orders, No. 31.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[APRIL 2, 1864.—For Magruder to Murrah, in regard to organizing Texas State troops and the enforcement of the conscript law, see Series I, Vol. XXXIV, Part III, p. 739.]

[APRIL 2, 1864.—For Magruder to Nichols, in regard to the failure of the Governor of Texas to organize the State troops or to execute the conscript law, see Series I, Vol. XXXIV, Part III, p. 726.]

SPECIAL ORDERS, No. 79.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 4, 1864.

* * * * * * *

XXXIII. Col. Robert H. Chilton, senior assistant adjutant-general of the Army, is hereby assigned to duty in the Bureau of the Adjutant and Inspector General's Department, and will be charged with the superintendence of the inspecting branch of that department. This assignment to take effect from the 1st instant.

* * * * * * *

By order of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS,
Lynchburg, April 4, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: There is an impression generally entertained that the Honorable Secretary of War has decided that officers of the second-class militia organizations who may be between eighteen and forty-five years of age are not to be interfered with, but are to be permitted to remain at home as militia officers, and that it is only intended that the privates between these ages shall be sent off. In a letter to me, under date of February 10, 1864, Governor Smith, through his aide-de-camp, Colonel French, wrote me as follows:

Neither officers nor men of the second-class militia, nor of the home guards, if not otherwise relieved, are exempted from conscription by reason of being attached to such organizations. If between the ages of eighteen and forty-five, they come under the provisions of the conscript law, unless exempted in accordance with the provisions of the same.

I would be exceedingly surprised, after this, to see these officers exempted. In the second-class militia of Lynchburg a large number of the officers are young men. The conduct of this organization in responding to my calls upon them does not entitle its officers to favor. My dispatches will show that on the last occasions when I called upon them, the battalion absolutely declined going. Individual officers and men would have done their duty, but in such small numbers as not to warrant any organization. I question whether these gentlemen between eighteen and forty-five years of age had any right in the second-class militia in the first instance, either as officers or men.

I wish to call your attention to the fact that this battalion failed to go to the assistance of neighboring counties when they were in danger of raids, because the Governor, it was supposed, could not force them and had not ordered them to go. The undersigned on these occasions had called on them to go and had informed them of the occasion of the call. I would state that in August, on my first call, about 250 responded; on my second call about 100 went, but on my last calls (which have been several in number) they have utterly declined, as I have stated.

I am, general, very respectfully, your obedient servant,

FRANCIS T. NICHOLLS,
Brigadier-General, Commanding.

[First indorsement.]

HEADQUARTERS DEPARTMENT OF RICHMOND,
April 6, 1864.

Respectfully forwarded.

ARNOLD ELZEY,
Major-General.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
April 20, 1864.

Respectfully submitted to the Secretary of War.

It is presumed the officers of the second-class militia between the ages of eighteen and forty-five are not exempt from conscription. The law evidently makes no distinction in their favor.

By order:

SAML. W. MELTON,
Major and Assistant Adjutant-General.

[Third indorsement.]

APRIL 23, 1864.

ADJUTANT-GENERAL:

The Secretary of War allows the Governor to certify the officers where exemption is proper for the administration of the State. They are not exempt otherwise.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, EXECUTIVE DEPT.,
Richmond, Va., April 5, 1864.

Col. WILLIAM M. BROWNE,
Aide-de-Camp to the President, Richmond, Va.:

COLONEL: You are hereby assigned temporarily to the duty of superintending and directing the conscript service in the State of

Georgia, and to this end, after full conference with the superintendent of the Bureau of Conscription, you will proceed without unnecessary delay to such point or points in that State as you may deem necessary for the proper performance of this duty. The Adjutant and Inspector General will issue the necessary orders.

Very respectfully and truly, yours,

JEFF'N DAVIS.

RICHMOND, *April 5, 1864.*

General S. COOPER,
Adjutant and Inspector General:

GENERAL: In a conversation yesterday with the President he expressed his regret that the compulsory organization of the reserve forces was not in process, the 1st of April being the latest day he was willing to allow for volunteering. He wished me to see the necessary orders were issued. As this is a matter on which the Honorable Secretary of War has probably acted heretofore, I simply bring to your notice the President's emphatic expression and wishes.

Yours, very truly,

BRAXTON BRAGG,
General.

[Indorsement.]

I saw the Secretary on receipt of this letter and invited his attention to General Orders, No. 33, of this year. I suggested his sending for the chief of Bureau of Conscription in order to impress on him vigorous and immediate action, which I have reason to believe he has done. On referring to the act above referred to, the Secretary was of the impression that the thirty days when volunteering would cease would be the 15th of April, which is thirty days after the publication of the order.

S. C.

CIRCULAR No. 14.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 5, 1864.

I. Circular No. 13, current series, is hereby revoked.

II. Commandants will retain out of the reserve classes a sufficient number to compose their camp guard and supporting force, and proceed as rapidly as possible to organize into companies persons of the said reserve class already enrolled.

III. Commandants will instantly designate proper rendezvous and order all persons of the reserve classes to report at such rendezvous on the 16th day of April, instant, for the purpose of electing company officers and being organized into companies.

IV. The instant organization of these classes is deemed of the highest importance, and all such persons as do not appear at the rendezvous on the day appointed must be enrolled and assigned at the discretion of the commandants. Unless otherwise instructed, commandants will forward the muster-rolls direct to this Bureau.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

[APRIL 5, 1864.—For Magruder to Murrah, in regard to organizing Texas State troops and the enforcement of the conscript law, see Series I, Vol. XXXIV, Part III, p. 735.]

GENERAL ORDERS, No. 41. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 6, 1864.*

I. The following schedules of prices for articles named therein, adopted by commissioners appointed pursuant to law, for the State of Virginia, are announced for the information of all concerned; and the special attention of officers and agents of the Government is directed thereto:

RICHMOND, *March 31, 1864.*

Hon. JAMES A. SEDDON:

SIR: In reviewing the schedules of prices for April we invited the co-operation and aid of Mr. William B. Harrison, and it is just to add that the schedules received the unanimous approval of the commissioners.

We respectfully offer the accompanying schedules, A and B, with the understanding that the prices are to remain for the month of April, unless in the interval it should be deemed necessary to modify them.

The following prices are to be the maximum rates to be paid for the articles impressed, in all cities and in usual places of sale, and when impressed on the farms or elsewhere the same prices are to be paid.

Under existing circumstances we have deemed it not only just, but most likely to favor increased production, that producers in future should not be required to transport their surplus productions when impressed, but that the agents of the Government should employ or impress the neighborhood or county wagons and teams to haul all such articles, and so divide the work between the owners of wagons and teams as to be least prejudicial to those successfully engaged in agriculture.

SCHEDULE A.

	Articles.	Quality.	Description.	Quantity.	Price.
1	Wheat	Prime	White or red	Per bushel of 60 pounds.	$5.00
2	Flour	Good	Fine	Per barrel of 196 pounds.	22.00
	do	do	Superfine	do	25.00
	do	do	Extra superfine	do	26.50
	do	do	Family	do	28.00
3	Corn	Prime	White or yellow	Per bushel of 56 pounds.	4.00
4	Unshelled corn	do	do	do	3.95
5	Corn-meal	Good		Per bushel of 50 pounds.	4.20
6	Rye	Prime		Per bushel of 56 pounds.	3.20
7	Cleaned oats	do		Per bushel of 32 pounds.	2.50
8	Wheat bran	Good		Per bushel of 17 pounds.	.50
9	Shorts	do		Per bushel of 22 pounds.	.70
10	Brown stuff	do		Per bushel of 28 pounds.	.90
11	Ship stuff	do		Per bushel of 37 pounds.	1.40
12	Bacon	do	Hog round	Per pound	3.00
13	Salt pork	do		do	2.60
14	Fresh pork	Fat and good		Per pound, net weight	2.25
15	Lard	Good		Per pound	3.00
16	Horses and mules	First class	Artillery, &c	Average price per head	500.00
17	Wool	Fair or merino	Washed	Per pound	3.00
18	do	do	Unwashed	do	2.00
19	Peas	Good		Per bushel	4.00
20	Beans	do		do	4.00
21	Potatoes	do	Irish	do	4.00
22	do	do	Sweet	do	5.00
23	Onions	do		do	5.00
24	Dried peaches	do	Peeled	do	8.00
25	do	do	Unpeeled	do	4.50
26	Dried apples	do	Peeled	do	5.00
27	Hay, baled	do	Timothy or clover	Per 100 pounds	3.90
28	do	do	Orchard or herd grass.	do	3.90
29	Hay, unbaled	do	do	do	3.00

SCHEDULE A—Continued.

	Articles.	Quality.	Description.	Quantity.	Price.
30	Sheaf oats, baled	Good		Per 100 pounds	$4.40
31	Sheaf oats, unbaled	do		do	3.50
32	Blade fodder, baled	do		do	3.90
33	Blade fodder, unbaled	do		do	3.00
34	Shucks, baled	do		do	2.60
35	Shucks, unbaled	do		do	1.70
36	Wheat straw, baled	do		do	2.20
37	Wheat straw, unbaled	do		do	1.30
38	Pasturage	do	Interior	Per head per month	3.00
39	do	Superior	do	do	4.00
40	do	First rate	do	do	5.00
41	do	Good	Near cities	do	5.00
42	do	Superior	do	do	6.00
43	do	First rate	do	do	7.00
44	Salt	Good		Per bushel of 50 pounds	5.00
45	Soap	do		Per pound	1.00
46	Candles	do	Tallow	do	3.00
47	Vinegar	do	Cider	Per gallon	2.00
48	Whisky	do	Trade	do	10.00
49	Sugar	do	Brown	Per pound	3.00
50	Molasses	do	New Orleans	Per gallon	25.00
51	Rice	do		Per pound	.20
52	Coffee	do	Rio	do	3.00
53	Tea	do	Trade	do	7.00
54	Vinegar	do	Manufactured	Per gallon	.50
55	Pig iron	do	No. 1 quality	Per ton	150.00
56	do	do	No. 2 quality	do	132.00
57	do	do	No. 3 quality	do	120.00
58	Bloom iron	do		do	216.00
59	Smith's iron	do	Round plate and bar	do	456.00
60	Railroad iron	do		do	190.00
61	Leather	do	Harness	Per pound	3.90
62	do	do	Sole	do	3.60
63	do	do	Upper	do	4.20
64	Beef-cattle	do	Gross weight	Per 100 pounds	20.00
65	do	Superior	do	do	25.00
66	do	First rate	do	do	30.00
67	Salt beef	Good		Net per pound	1.50
68	Sheep	Fair		Per head	30.00
69	Army woolen cloth, 3-4 yard.	Good	10 ounces per yard	Per yard	5.00
70	Army woolen cloth	do			(a)
71	Army woolen cloth, 6-4 yard.	do	20 ounces per yard	Per yard	10.00
72	Army woolen cloth	do			(a)
73	Flannels, 3-4	do	6 ounces per yard	Per yard	4.00
74	Cotton shirting, 3-4	do	4½ yards to pound	do	1.11
75	Cotton shirting, 7-8	do	3¾ yards to pound	do	1.35
76	Cotton sheetings, 4-4	do	3 yards to pound	do	1.75
77	Cotton, Osnaburg, 3-4	do	6 ounces per yard	do	1.50
78	Cotton, Osnaburg, 7-8	do	8 ounces per yard	do	1.93
79	Cotton tent cloths	do	10 ounces per yard	do	2.50
80					(b)
81	Army shoes	Good		Per pair	15.00
82	Shoe thread	do		Per pound	3.00
83	Wool socks, men's	do		Per pair	1.25
84	Corntop fodder, baled	do		Per 100 pounds	2.40
85	Corntop fodder, unbaled	do		do	1.50
86	Wheat chaff, baled	do		do	2.40
87	Wheat chaff, unbaled	do		do	1.50
88	Sorghum molasses	do		Per gallon	20.00
89	Pasturage for sheep	do	Interior	Per head	.40
90	do	Superior	do	do	.50
91	do	First rate	do	do	.60

a Pro rata as to greater or less width or weight.
b On the above enumerated cotton cloths, pro rata as to greater or less width or weight.

In assessing the average value of first-class artillery and wagon horses and mules at $500, we designed that the term should be accepted and acted upon according to its obvious common-sense import. In other words, that they should be selected and then impressed accordingly as their working qualities and adaptation to army service, together with their intrinsic value, would warrant a judicious purchaser in considering them as coming within the contemplation of the commissioners when they assessed the average value of such horses as the Government needed at $500. But cases might arise, however, when the public exigencies would be so urgent as to demand that all horses at hand should be

impressed. Yet under ordinary circumstances, when family or extra-blooded horses or brood mares of admitted high value are impressed, we respectfully suggest to the Secretary of War to have instructions forwarded to the impressing officers to propose and allow the owners to substitute in their stead such strong, sound, and serviceable horses or mules as shall be considered and valued by competent and disinterested parties as first-class artillery horses or first-class wagon mules.

The term "average value per head" is in contradistinction to a fixed and uniform price for each horse or mule. We supposed that in impressing a number of horses or mules, whether owned by several persons or one individual, that some might be estimated at $300 and others at different advanced rates, according to their worth, up as high as $700—thus making an average value or price for a number of good, sound, and efficient horses or mules $500 each.

In illustration of our views, we will add, that a horse with only one eye sound might, in all other respects, be classed as a first-class artillery horse, yet the loss of one eye would justly and considerably curtail his value. So a horse from ten to eighteen years of age might be deemed in all other particulars as a first-class artillery horse, but of course, however efficient or able to render good service for a year or so, yet his advanced age would justly and materially impair his value. Any horse, however he may approximate the standard of a first-class artillery horse, must, according to deficiencies, fall below the maximum price; and as few comparatively come up to the standard, and therefore are entitled to the maximum price, so of course in all other instances the price should be proportionately reduced, as imperfections place them below the standard of first class, &c.

SCHEDULE B.—*Hire of labor, teams, wagons, and drivers.*

	Labor.	Quantity and time.	Price.
1	Bailing long forage	Per 100 pounds	$0.90
2	Shelling and bagging corn; sacks furnished by Government	Per 56 pounds	.05
3	Hauling	Per cwt. per mile	.08
4	Hauling grain	Per bushel per mile	.04
5	Hire of 2-horse team, wagon, and driver; rations furnished by owner.	Per day	10.00
6	Hire of same; rations furnished by the Government	do	5.00
7	Hire of 4-horse team, wagon, and driver; rations furnished by owner.	do	13.00
8	Hire of same; rations furnished by the Government	do	6.50
9	Hire of 6-horse team, wagon, and driver; rations furnished by owner.	do	16.00
10	Hire of same; rations furnished by the Government	do	8.00
11	Hire of laborer; rations furnished by owner	do	2.50
12	Hire of same; rations furnished by the Government	do	1.50
13	Hire of same; rations and clothing furnished by owner	Per month	50.00
14	Hire of same; rations furnished by the Government	do	30.00
15	Hire of teamsters; rations furnished by Government	do	40.00
16	Hire of laborer; clothing and rations furnished by Government	Per year	300.00
17	Hire of same; clothing and rations furnished by owner	do	550.00
18	Hire of same; rations only furnished by Government	do	400.00
19	Hire of ox carts, team, and driver; rations furnished by owner	Per day	10.00
20	Hire of same; rations furnished by the Government	do	5.00

Upon further consideration we have concluded to value sheaf oats, hay, and blade fodder east of the Blue Ridge Mountains, when baled, at $5.40 per 100 pounds, and unbaled at $4.50 per 100 pounds, and shucks baled at $3.90 per 100 pounds, and $3 unbaled.

REVISION OF THE SCHEDULE OF FEBRUARY AND MARCH LAST.

Since the adoption of our last schedules for the months of February and March the financial bills passed by Congress, taxing the currency, have seriously impaired the value of the old issues of Confederate Treasury notes. At this juncture large numbers of horses and mules were impressed and paid for in a currency which was in a few days thereafter to be taxed 33⅓ per cent.

The Board of State Commissioners having adjourned, and one of its members being out of the State, it could not be convened in time to review our schedules of prices. Under this state of facts we have re-examined and rearranged our tariff of prices, so far as we have been advised of recent impressments, proposing, in this mode, to remedy any diminution of valuation which may have resulted

from the action of Congress upon the currency. Therefore we assess the average value of artillery or wagon horses or mules, impressed since the passage of the currency bill of the 17th of February last, at $600. This award will entitle each person to receive higher compensation accordingly as each horse or mule recently impressed may be considered as being a first, second, or third class artillery or wagon horse or mule, whether the parties appeal to our Board or not; and the impressing agents and officers should forthwith call on all of those persons of whom they impressed horses or mules and propose a settlement upon the foregoing basis, but allowing to each person only such prices as first, second, and third class artillery or wagon horses or mules may be estimated at, assuming our average appraisement of $600 as a fair medium valuation. This, then, would allow a maximum price of $800, and a minimum price of $400, making $600 the average price—thus allowing more for first-class horses or mules and proportionately less for the inferior, as they may fall below the grade of first class. Payment of whatever amount may be awarded to be made in the old issue of Treasury notes as circulated before the 1st of April, or else in the new issue, but with a deduction in such cases of 33⅓ per cent. from the additional sum allowed in each case.

E. W. HUBARD,
ROBERT GIBBONEY,
WM. B. HARRISON,
Commissioners for Virginia.

By order:

S. COOPER,
Adjutant and Inspector General.

All appeals and communications for the Board of Commissioners should be addressed to D. S. Chilton, clerk of the Board of Commissioners of the State of Virginia, Richmond, Va.

SPECIAL ORDERS, No. 81. } ADJT. AND INSP. GENERAL'S OFFICE, *April 6, 1864.*

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VIII. Col. William M. Browne, aide-de-camp, is temporarily assigned to the duty of superintending and directing the conscript service in the State of Georgia, and to this end, after full conference with the superintendent of the Bureau of Conscription, will proceed without unnecessary delay to such point or points in that State as may be deemed necessary for the proper performance of this duty.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

RALEIGH, *April 6, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: Your letter of the 6th [2d] instant was received this morning. I infer from it that I am to examine into cases in which parties are held for military service, and who claim not to be liable under the law. For instance: A man claims to be over forty-five years of age has been sent to camp here as a conscript, and claims that he is only liable to be enrolled for home defense, being between forty-five and fifty years of age. Again: A foreigner has been sent to Camp Holmes as a conscript. He claims never to have obtained a domicile here,

and that he is not liable to military duty of any kind under the law. Am I to investigate and decide such cases? The two named have occurred here. If I am to investigate cases of the kind, must I delay doing so until they are reported to me by the department commander in accordance with General Orders, No. 31, March 10, 1864? Would it not be more convenient and save time by requiring such cases to be reported to me by the commander of conscripts? The commander of conscripts showed me a letter to the Conscript Bureau desiring to be informed whether he was to arrest the harborers of deserters, and also the answer from the Bureau. It was to the effect that no authority of the kind could be given to him, and if made, it must be at his peril, and must be reported through the Bureau to the general commanding the department. Nothing, perhaps, tends so much to the encouragement of deserters from the Army as this harboring and concealing of deserters when at home, and unless such persons in the interior of the State are arrested by subordinate officers with their guards, who go in pursuit of deserters, the mischief is likely to continue. The power is a very delicate one, and I fully appreciate what is said in your letter as to the arrest and detention of persons under the late act of Congress. A few examples, however, would have a salutary effect. I think the parties, where there is probable cause, should be bound over to the superior courts of their counties to answer to the court for the offense, which is now indictable under a late act of Assembly. If examined by a commissioner they might be required to enter into recognizance before a magistrate or judge for their appearance before they are discharged from custody by the military officer.

Excuse these inquiries and suggestions, as I know you are occupied incessantly with matters of more importance.

Very respectfully, your obedient servant,

THS. BRAGG.

CIRCULAR No. 15.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 7, 1864.

In pursuance of instructions from the Secretary of War, commandants of conscripts will grant details until the 1st day of June, 1864, to all persons liable to conscription on the 10th day of April instant who are certified by the Commissary-General to be in the service of his department on the said 10th of April and as necessary thereto.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

MONTGOMERY, *April 7, 1864.*

His Excellency President JEFFERSON DAVIS,
Richmond, Va.:

The act of last Congress to organize forces to serve during the war requires enrollment of persons between seventeen and eighteen and between forty-five and fifty at such times and places and under such regulations as shall be prescribed by President. Orders No. 33, from Adjutant-General Cooper, issued March 15, and received by Lieut. Col. H. C. Lockhart on the 29th, prescribes thirty days' notice from publication of order in county or district by enrolling officer. Colonel

Lockhart issued his order on the 30th of March. Telegram from Colonel Preston of the 5th instant orders rendezvous on the 16th of April, stating that War Department construes Order No. 33 to mean notice to commence from day of its publication. The construction placed on it is absurd. This order is inconsistent with law and with order from Adjutant-General. The order cannot be enforced. It is impossible to comply with it. The attempt will only do harm—no good. Let me hear from you.

T. H. WATTS,
Governor of Alabama.

[First indorsement.]

Secretary of War for remarks.

J. D.

[Second indorsement.]

Respectfully returned to the President.

Governor Watts has misunderstood or been misinformed as to the construction of the Department. I have considered that companies may be at once formed of all men who have been enrolled under the General Orders, No. 33; and that to hasten enrollment reserves may be appointed at any time within the thirty days allowed by law, but that the privilege of entering the reserve organizations will only be lost by failure to enroll for thirty days after the publication of the order in each district.

J. A. SEDDON,
Secretary of War.

WAR DEPARTMENT,
April 7, 1864.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: I have the honor to acknowledge your letter inclosing a resolution of the General Assembly of Georgia recommending that no obstacle be interposed to the conscription under recent laws of the Confederate Congress of such persons as have been enrolled under the State laws, and desiring that the Secretary of War of the Confederate States be requested to exonerate from any penalties imposed by the Confederate law on such persons so enrolled as had failed to comply with the called-for enrollment under the Confederate law within a specified time.

While I will not disguise the feelings that even greater satisfaction would have been experienced from the cordial approval by your General Assembly of the wisdom of the Confederate law, yet it is gratifying to have the evidence afforded by the resolution of the Assembly of the spirit of harmonious co-operation and patriotic zeal that animated their deliberations. I take pleasure in responding to their request, that on reference to the Conscript Bureau, which is charged with execution of the Confederate law, I am informed that no measures have been taken which as yet have imposed penalties on those enrolled under the late law, and that opportunity has been and will be afforded all such to report themselves or volunteer before they will be subjected to the proscribing penalties. I should add the additional pleasure I have found in the assurance that your own original objections to the Confederate law will be relinquished in deference to the decision of your Assembly, and my hope that a spirit of wise concilia-

tion and forbearance will always avoid any conflict, so much to be deprecated between Confederate and State authorities.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

ATLANTA, *April 7, 1864.*

His Excellency President DAVIS:

MY DEAR SIR: As you are aware, I submitted an application to you in February last for the appointment of brigadier-general to command a portion of the reserve forces in this State to be organized under the late law of Congress. I inclose copies of the indorsements made upon the application by yourself and the Secretary of War, by which it will be seen that the Honorable Secretary of War stated "regiments may be formed by volunteering before the term of enrollment has expired, and in case of a sufficient number of regiments being organized under Colonel Gartrell's influence in that time to constitute a brigade, I see no difficulty in thus making the desired appointment," &c., and at the same time he gave me written authority to raise and organize regiments by volunteer enlistment. Since that time I have been actively engaged in raising volunteer companies, and have a sufficient number to constitute two or three regiments. On the 31st ultimo the Secretary of War dispatched me in the following words: "General Cobb has been assigned to the command of the reserve forces of Georgia. Report to him at Macon." I did so, and General Cobb has ordered me to take all necessary and proper steps to organize regiments as rapidly as possible, and at the same time informed me that he had written on the 5th instant to the Adjutant-General for full instructions, and had recommended my appointment, and earnestly requested that my commission be forwarded to me at once. I think you will concur with me in the belief that under all the circumstances I have been quite successful in getting up volunteers. Governor Brown's message to the Legislature greatly retarded my operations, but since the action of the Legislature in turning over all persons between the ages of seventeen and eighteen and forty-five and fifty years to the Confederate Government has become generally known, volunteering in this section of the State has progressed rapidly. I wrote the Secretary of War yesterday asking him to present my case for your consideration. Should you honor me with a commission, I pledge an honest effort for the faithful discharge of all my duties.

Hoping for a favorable response, and with renewed assurances of my highest regard,

I am, very truly, your friend and obedient servant,

LUCIUS J. GARTRELL.

[First indorsement.]

APRIL 15, 1864.

Secretary of War for attention and advice.

J. D.

[Second indorsement.]

APRIL 20, 1864.

ADJUTANT-GENERAL:

Has the letter of General Cobb referred to been received? If so, submit with this.

J. A. S.,
Secretary.

[Third indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
April 25, 1864.

Respectfully returned to the Secretary of War, with the letter of General Cobb.*

By order:

SAML. W. MELTON,
Major and Assistant Adjutant-General.

[Inclosure.]

FEBRUARY 19, 1864.

Secretary of War for special attention.

Colonel Gartrell is personally known to you, and the records of the Department will show his services in the Army. Commending the case to kind consideration, it is referred for inquiry and conference.

J. D.

FEBRUARY 22, 1864.

Respectfully returned to the President.

As I understand the late law (an official copy of which I have been as yet unable to obtain), regiments may be formed by volunteering before the term of enrollment has expired, and in case of a sufficient number of regiments being organized under Colonel Gartrell's influence in that time to constitute a brigade, I see no difficulty in thus making the desired appointment, subject to the contingency which must attend any future appointment, since it is not the practice of the Department to give any previous positive promise. Before the brigade is organized it is not consistent with the established usage of the Department (even if the power exists) to make any appointment of the brigadier to command it.

J. A. SEDDON,
Secretary of War.

SECRETARY OF WAR:

I concur in the above.

J. D.

RICHMOND, VA., *April 7, 1864.*

Hon. JACOB THOMPSON:

(Care of Governor Charles Clark, Macon, Miss.)

If your engagements will permit you to accept service abroad for the next six months, please come here immediately.

JEFFERSON DAVIS.

[APRIL 7, 1864.—For Murrah to Magruder (two letters), relative to organizing Texas State troops and the enforcement of the conscript law, see Series I, Vol. XXXIV, Part III, pp. 747, 748.]

CRAWFORDVILLE, GA., *April 8, 1864.*

Hon. H. V. JOHNSON,
Sandy Grove, Ga.:

MY DEAR SIR: Your letter of the 6th instant has just reached me, and I devote a few leisure moments to you in reply this evening,

*Not found.

because I do not know that I shall have time to do it in the morning before the mail closes.*

I wrote you a pretty long letter day before yesterday, and feel no disposition to prolong the discussion. If after reading that you are still of the opinion that the act suspending the writ of habeas corpus in certain cases does not attempt to confer upon the President and others under him the power to arrest and to hold persons arrested without proper warrant under oath, a power that they could not exercise without it, then it is useless to say more; and after reading that letter and the order of General Cooper alluded to in it, you are still of the opinion that personal liberty is not jeoparded by it, and that no blow is struck by it at the very "vitals of liberty," then, indeed, you would not believe though one were to rise from the dead. So no more on those points.

I wish barely to say a few things on some other points. After speaking of the commendable tone of the Milledgeville speech you say, "Yet below the surface your *antipathy* to the President is perceptible to any one acquainted with your *opinions* of the *man*" (underscoring mine), and on this point you say, "I think you had as well have fully unbottled your wrath; for, after all, you are as well understood, in the estimation of the country, to be hostile as if you had avowed it." And you go on to say that I will necessarily be classed "with those whose *palpable object* it is to *organize* a party in opposition to the *Administration*," underscoring all mine; and further on you say that my antipathy to Davis has misled my judgment, or I have allowed my antipathy to him to mislead my judgment.

For your candor and frankness in all this I sincerely thank you, for it is conclusive evidence to me that such are your opinions, and I allude to these matters for the sole purpose of correcting an erroneous impression on your mind.

I assure you I have no *antipathy* to Mr. Davis; nor am I *hostile* to him; and if there is an object or intention or wish with any to organize a party in opposition to the *Administration*, I know nothing of it—have heard nothing of it. As to the late movement on the action of Georgia upon the subject of the habeas corpus and the resolution in relation to the terms upon which peace should be sought, I think I know as much as anybody else. If any one is responsible for it, no one is more so than myself. It is true that those resolutions were not drawn up by me, but they were prepared by Linton after full consultation; prepared at his house before he went to Milledgeville. And as for Mr. Davis or his Administration, they had but little to do with it—nothing in the world except in so far as they fall within the scope of the point as stated. They did not rise to the dignity of a moment's serious consideration or thought one way or the other. Greater objects by far were then engrossing my attention, and Linton's too, I think.

As for Mr. Davis, I repeat again I have no feelings of antipathy, much less hostility. What opinions you may think I entertain of him as you intimate I know not, but I have no hesitancy in stating to you freely and frankly, and most confidentially, what my opinions of him are. They are much more akin to suspicion and jealousy than of animosity or hate. While I do not and never have regarded him as a great man or statesman on a large scale, or a man of any marked genius, yet I have regarded him as a man of good intentions, weak and vascillating, timid, petulant, peevish, obstinate, but not firm.

* Johnson's letter not found.

Am now beginning to doubt his good intentions. I say doubt, for after watching him closely I am not satisfied in my own mind, or arrived at any conclusion, whether some of his shortcomings are to be attributed to weakness or bad purposes. These are my real sentiments, and my reasons for them are these: Since his first elevation to power he has changed many of his former State's rights principles, as in case of conscription. His whole policy on the organization and discipline of the Army is perfectly consistent with the hypothesis that he is aiming at absolute power. Not a word has come from him of military usurpation in the orders for martial law by Bragg and Van Dorn on the whole system of passports and provost-marshals, which is utterly wrong and without authority of law. After all that may be said or written by myself and others against these usurpations, not one word has escaped Mr. Davis showing his disapproval of them. Again, it is well known that the subject of a dictatorship has been mooted, talked of, and discussed in private and in the public journals, and that the most earnest advocates of such a course, the virtual doing away with Congress and the Constitution, have been editors near him—right under his nose; editors of journals recognized at the time to be the organs of the Administration. Now, it seems to me strange that this should be so, and men holding and advocating such sentiments for months should hold such near relations to him if such sentiments were distasteful to him. These are bad signs to me, yet they are not conclusive evidences of bad objects or intentions on his part. They leave me in doubt, but certainly awaken my suspicion and watchful jealousy. They teach me to be on my guard, and they should, in my opinion, put the whole country on their guard. The price of liberty is eternal vigilance. But again I assure you I feel no more hostility to him than I do to you and great numbers I meet with who see no danger in these things. My hostility and wrath (and I have enough of it to burst ten thousand bottles) is not against him, or any man or men, but against the thing—the measures and the policy which I see is leading us to despotism. If you can understand and appreciate this position and these feelings, then you can understand me; and if you cannot, then you do not understand me, and cannot. But I trust you do. How you could have got the impression, or entertained the thought, that I had an antipathy to Mr. Davis, or was hostile to him, is strange and unaccountable to me. You surely have heard me in conversation speak of his weakness and imbecility, but certainly with no bitterness of feeling, and what I have said on this subject has always been more in sorrow than anger. I had no more feeling of resentment toward him for these than I had toward the defects and infirmities of my poor old blind and deaf dog that you saw when you were here. Poor old Ris; he is dead now and gone to his long rest. Peace to his ashes and honor to his memory. While I deplore his infirmities I certainly have no feeling of unkindness to him. As to what you say about the *Administration*, one word: I hardly know what idea you attach to this term as used by you. If you mean the Cabinet, then they are sustained by neither the Congress nor country, and when their recommendations were rejected by Congress, if they had had any self-respect they would have resigned their places. If you mean the acts and messages of Congress, then I am confident not one-tenth of the people of this country approve them. I would stake my head upon the issue that not ten districts in the Confederacy could be carried in a Congressional election for a candidate running on the advocacy of the four leading measures of the last Congress,

and pledged to sustain them as the settled policy of the country. This cry of sustaining the Administration, you will allow me to say, with all due respect to you, is nothing but a stupid, senseless cachinnation. Nobody approves it. I heard that General Cobb, in his speech at Milledgeville, said all these acts of Congress were proper, wise, and just; and yet I do know that General Cobb spoke very differently to me of some of them before they were passed. Why will men thus degrade themselves by attempting to bamboozle the people; and how are we to get better laws if bad ones, that all feel and know to be bad, are not denounced and true principles proclaimed?

I said but little about the tax and currency question in Milledgeville, because money at best, in my estimation, is but trash. Greater and more vital interests were in jeopardy.

Now I am done with all these matters with you. I wished to put myself right with you on certain points. I hope I have done so. Hereafter I will write on other matters. I do not know yet when I can get to see you. It still continues to rain, and I cannot get my corn in the ground. I must see after that before I can leave home. But I must add, in conclusion, that you are, I think, mistaken in supposing that the late movement in Georgia was started with any view toward the organization of a party against Mr. Davis or his Administration. I know all about that movement, if allusion is made to Governor Brown's message. I advised it from stem to stern and approve it. I don't mean the language, but the policy and the course taken, and I *know* I had no such object, thought of none such, nor dreamed of any such. It is the proclamation and vindication of great essential truths that I desired to see set forth at the right time and on a proper occasion. But again enough.

What I have written to you is with that freedom and frankness I always use in writing to one who holds such high place in my esteem, and I trust you will so consider it and appreciate it. Let me hear from you when you have leisure to write, and as we cannot agree on these great questions let us entertain ourselves on other topics.

Yours, truly,

ALEXANDER H. STEPHENS.

SPECIAL ORDERS, No. 83. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 9, 1864.*

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XXIX. Paragraph VIII, Special Orders, No. 81, current series, is hereby revoked, and the appointment of Maj. C. J. Harris as major and enrolling officer in the Provisional Army, Confederate States, not having been confirmed by the Senate at its last session, and he thereby ceasing to be an officer, Col. William M. Browne, aide-de-camp, is temporarily assigned to the duty of commandant of conscripts for the State of Georgia, and will forthwith proceed to assume the duties thereof under instructions from the Bureau of Conscription.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[APRIL 10, 1864.—For Forrest to Polk, in relation to raising troops in West Tennessee, see Series I, Vol. XXXII, Part III, p. 769.]

OFFICE CHIEF INSPECTOR FIELD TRANSPORTATION,
Brandon, Miss., April 11, 1864.

Hon. JAMES A. SEDDON,
Richmond, Va.:

Under the late act of Confederate Congress the Secretary of the Treasury is authorized to issue permits to persons to trade beyond our lines. I have been residing at this point—the western termination of the railroads—and from a long residence at Vicksburg and familiar acquaintance with the people and localities I have good opportunities to judge of men and things and accomplishing results. Many articles are needed in my department (field transportation) which it is impossible to procure in the country, and can only be obtained from beyond our lines. I am satisfied that when Yankee troops and officers being removed from the Mississippi River to Tennessee and Virginia leave, that a large amount of supplies can be landed at such point on the river as to be removed easily within our lines and used by our Government. Understand me. I have nothing to say as to policy of the Government, supposing it indicated by passage of the act of Congress. There are a number of persons in and about the Yankee lines (Confederates who have taken the oath) whose integrity is undoubted, and whose feelings are with the Confederates, if not their political principles (bad thing swearing), who I am satisfied can collude with Yankee officers that will be left, and can have anything they wish delivered, if necessary under the French flag, either on the Yazoo River or some other interior stream, and removed. There is in the Yankee lines a perfect mania for trading in cotton, even going so far as to control their military operations, covered under the pretense of getting out negro men, mules, and supplies of food—in truth, gotten up and being controlled by cotton traders, dividing the profits with superior officers. Witness the late raid into the Yazoo River, and the return to Yazoo City of a steamer for cotton under the French flag; the raid at same date sent into lower part of Hinds County with a military force, Government wagons and teams, to procure cotton where they had previously destroyed all the supplies and taken off the negroes; also the raid into Ouachita and Red River, and the continual trading around Natchez, in all cases the marks being cut off the Government cotton and proceeds divided with any woman or man who points it out and makes the outside arrangement, avowedly for the purpose of defrauding their own Government by using for private gain Confederate cotton captured, and to which the United States Government would be entitled. If necessary the arrangement might be made in the name of citizens of France. The Government yet owns a large amount of cotton west of Pearl River, on the entire front from Lake Maurepas to the Tennessee line. This cotton is being hourly stolen and carried to the Yankee lines, and the whole military force of the Confederate States could not stop it. The Government has not and cannot procure transportation to move it. As it stands, the whole population is being demoralized, socially, morally, and politically, and the whole social fabric is being destroyed and demoralized, and the country is becoming filled with speculators, deserters, and conscripts—overrun by our own troops and the Yankees. Ladies residing in this region, eminent for wealth, respectability, intelligence, and beauty, make nothing of taking Government cotton without authority and traveling in the night to the enemy's lines, as they assert, bribing both pickets, and in return bringing out whisky, calico, and coffee, and have it sold at a

large profit. The Government should promptly do one of two things—either have burnt every pound of cotton in this region indicated, or make some arrangement to convert it into such articles as the Government needs or the money. I have not written a letter or received one from any person in Vicksburg, or anywhere else in the Yankee lines, since the fall of Vicksburg, and unless upon matters of interest for the Government and appertaining to my official duty do I expect to communicate; nor have I received an article from there. Our officers are overrun with applications for passports to go to the enemy's lines, and pickets annoyed and corrupted by their attempting to pass without passports. Since the commencement of the war I have not purchased any article to sell again, and do not intend to do so during the war. Under the above state of facts it is important that the Government should act promptly on the cotton and trading question, and also on the passport question.

Not being known to Mr. Memminger, I address this to you, and if upon consultation it is deemed advisable to procure mules, cast-steel, shoe thread, trace chains, &c., and numerous other articles, by exchange for this cotton, I think I can accomplish it.

Very respectfully, your obedient servant,

A. M. PAXTON.

[First indorsement.]

APRIL 27, 1864.

Respectfully referred to Lieutenant-Colonel Ruffin, Commissary Department.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Second indorsement.]

BUREAU OF SUBSISTENCE,
Richmond, April 29, 1864.

Respectfully returned to the Secretary of War.

The narration of the within writer discloses nothing new to me. I have heard it all before, and more than once. Part of it has been caused by the Federal occupancy of the territory in question; but much of it was to have been anticipated as the inevitable result of the Government policy and of Mr. Memminger's administration. Until both are changed I can see nothing better in the future than is presented by the past. Suppose the Government, as advised by Mr. Paxton, shall now become a party to these transactions, which once it might have directed, if not controlled, it will be necessary to get the cotton from Mr. Memminger. Can that be done? About the 20th January last I heard that there were 3,000 bales of cotton, more or less, at Tuscaloosa in bad condition, with ropes burst and bagging rotted, preyed upon by thieves and eaten by cows. I wanted at least a part of that cotton for an important contract. I applied for it to Mr. Memminger through Colonel Northrop. Mr. Memminger replied that he could not spare it; he wanted it himself; so I had to instruct my agent to buy cotton for his purposes. He has lately applied for funds for that purpose and I have none to send him. Under the state of facts evidenced by this and other similar cases I see no chance of getting the cotton except upon a change of policy. If the policy shall be changed, then I presume the trade will be carried on under Mr.

Memminger's regulations, in which event I respectfully submit that all that I can do will be, under the orders of the Commissary-General of Subsistence and the Honorable Secretary of War, to present just estimates for supplies for the wants of the Army as it may be determined to furnish from that quarter. But should the regulations be abolished or properly modified and the cotton put at my disposal, then under the orders of the Secretary of War I think I could obtain large supplies upon the basis indicated in Mr. Paxton's letter.

FRANK G. RUFFIN,
Lieutenant-Colonel and Commissary of Subsistence.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 11, 1864.

Hon. THOMAS BRAGG,
Raleigh, N. C.:

Your letter of the 6th instant has been received. The decision of questions under the conscription act in reference to the liability of parties to serve under the act, under Orders No. 26, is to be made by the enrolling officer. An appeal can be taken from his decision to the commander of conscripts, and from his decision an appeal can be taken to the Bureau of Conscription, and finally to this Department. There was no intention on the part of this Department that you should be burdened with the performance of the duty of deciding such questions. The officers, in case of doubt or difficulty, have been authorized to take counsel from you, but the instructions of the Bureau and the orders of the Department are full and precise, and it was not anticipated that any occasion would arise in the ordinary business of that department. They should refer cases to the Bureau if necessary. These cases have no connection with the act to suspend the writ of habeas corpus. Congress passed an act relative to the harboring of deserters. The act will be found in Orders No. 29. It provides that if any person shall procure or entice a soldier to desert, or shall aid or assist any deserter from the Army or any person enrolled for service to evade their proper commanders or to prevent their arrest to be returned to the service, or shall knowingly conceal or harbor such deserter, or shall purchase from any soldier or person enrolled for service any portion of his army equipments, rations, or clothing, or any property of the Confederate States or of any officer or soldier, upon conviction before the district court of the Confederate States having jurisdiction of the offense, he shall be fined not exceeding $1,000 and be imprisoned not exceeding two years. All cases arising under this act should be turned over to the judicial tribunals whenever the facts warrant that course. There is no particular occasion for any interruption of the course of these tribunals in ordinary cases. If the prosecution of such cases under the act of the Legislature of North Carolina would be as efficient and convenient a mode of redress, no objection is perceived to a resort to the State courts. The committing magistrates of the State are empowered to act under the laws of the Confederacy for the same purpose.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

APPOMATTOX, VA., *April 11, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: The people of this county are already suffering much for corn, and unless something can be done to supply them the condition of things by the middle of May must be painful in the extreme. This is no pretense set up to accomplish a purpose, but is sober and lamentable reality. The county court has appointed two agents, viz, Mr. N. H. Hancock and Mr. T. H. Trent, with instructions to make immediate and earnest efforts to procure and send on corn for the use of the families of the soldiers. This will probably be handed you by Mr. Trent, who will explain more fully the condition of our people and the views of the court. If the Confederate Government can directly or indirectly aid them in their undertaking it will perform a most laudable and meritorious service. It has been thought that by releasing for a short time a portion of the cars appropriated to the Government use it might effect the end desired. Of course I do not know the state of the Government supplies, and much must depend on that. But I beg leave again, in conclusion, earnestly to bespeak whatever aid can possibly and properly be rendered. The need, indeed, is urgent.

I remain, very truly, &c.,

TH. S. BOCOCK.

[APRIL 11, 1864.—For Vance to Seddon, recommending suspension of conscript law in the mountain counties of North Carolina, see Series I, Vol. LIII, p. 324.]

SPECIAL ORDERS, No. 85. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 12, 1864.*

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XXV. Col. W. M. Browne, aide-de-camp, assigned to duty as commandant of conscripts for the State of Georgia, is empowered to relieve from conscript service in Georgia, subject to approval by the superintendent of Bureau of Conscription, such officers as he may deem incompetent or unnecessary to the service, promptly reporting his action, with the reasons therefor, to the Bureau of Conscription.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
April 12, 1864.

Maj. B. P. NOLAND,
Chief Commissary of Subsistence for Virginia, Richmond:

MAJOR: I beg leave to suggest to you, as the officer charged with the management of the system of exchange and barter for provisions, some considerations which I think may be found useful, and which may probably have occurred to your own mind. Whatever vigilance may be used by the military authorities, it will be found difficult to

prevent the prohibited traffic in cotton, tobacco, &c., where the inducement to engage in it is so great. It has been reported to me that considerable quantities of tobacco have passed through Gordonsville consigned to persons residing within our lines, but who are so situated that they can easily take the tobacco beyond them. On Thursday last seventeen boxes reached Gordonsville en route to Liberty Mills, consigned to the postmaster at the latter place. A large quantity had been sent thither previously, and though the owners avowed that it was to be used or sold there, it was manifest that the supply exceeded any lawful demand in so small a place. It is also reported that tobacco is frequently sent to Madison Court-House in large quantities, the shipments being made from Richmond, Charlottesville, and Lynchburg. While there is no doubt of the illegal purpose of the owners, it is almost impossible to prove it, and the only provision that can be made to prevent the abuse with any hope of success is to require that no shipments of the prohibited articles shall be made by rail or otherwise from any point without a permit from proper authority, unless the destination of the article be such as to preclude the possibility of its being taken out of the lines. The permit should contain the names of the real owner, of the carrier, and of the place of destination, as well as of the route to be pursued, and the goods should be declared subject to seizure if found on a different route, in other hands than those of the parties named in the permit, or going toward a different destination. By this means it can be ascertained whether more of the articles are being taken to a particular place or by a particular person than is consistent with a lawful use of them, and there will be some restriction upon the trade. All the prohibited commodities found in transitu without a permit should be seized.

In this connection I would also call your attention to the difficulties that attend the lawful trade. As the great object is to obtain supplies and prevent the staples mentioned in the law from being exported except in exchange for them, it would seem that the strongest inducements should be held out to persons who wish to procure cotton, tobacco, &c., to bring in the supplies. This end can best be obtained by withholding the tobacco, &c., and the permit to take it out until the supplies shall be first delivered. It is manifest that a bond to perform the contract will not suffice. What we want is a strong inducement to the party contracting to exert all his efforts to get the supplies to us, and the chief inducement to make such efforts is taken away when he receives the commodities he desires with a permit to take them out. If he succeeds in getting them to the enemy's country, he sells them at a large profit, and then he will find it much easier and safer to pay his forfeited bonds than to incur the labor, hazard, and expense of bringing in the supplies in return.

If it be answered that the contractor cannot buy the provisions unless he be allowed to take out and sell the tobacco, &c., I think that it would be better not to employ him unless he has means adequate to perform his contracts. This is a precaution always insisted upon in awarding contracts of this kind; and if adequate assurance be given that upon the delivery of the supplies at a designated place the compensation in tobacco and cotton, &c., together with permission to remove them, will be forthcoming, the contract itself will be a basis of credit which will enable the contractor to raise the means required to purchase supplies. Indeed, I think that unless this course be pursued the result will be that, either from dishonest purposes or from actual inability to bring the provisions within our lines, which is practically

as bad as the former, the system of barter will result in much of the staples of the country being taken out of it without obtaining anything in return but payment of the forfeited bonds. While this payment will prevent pecuniary loss to the Government, it effectually defeats the object of the system which it is desired to inaugurate. I would suggest that the safest plan, and one that can be carried out with least difficulty and liability to abuse, would be to offer the articles referred to—cotton and tobacco, &c.—with permission to remove them, to any person who will deliver provisions at a price to be agreed upon. A limit might be put upon the amount of provisions to be furnished in exchange by individuals to prevent too great a multiplication of permits. For instance, no exchange might be entered into with any individual for less than 500 pounds or any other quantity. Persons desiring to take these contracts would find means, either by purchase from our own citizens or by bringing the provisions from abroad, to obtain enough to exchange for cotton, tobacco, &c., and the Government would be relieved from the risk of transportation. I think it will be found if proper agents be sent to suitable localities with authority to contract to deliver the staple articles, with permits to those who will give provisions for them, much would be obtained from our own citizens that cannot now be reached by purchase or impressment. Those who sell on such terms can readily procure what they require for their own use or even additional supplies to continue the traffic. Larger numbers would become interested in bringing in supplies, they would come in smaller quantities to each man, and be less liable to seizure. At the same time it would encourage our people to produce more, as it would afford them a profitable market. I have deemed it proper to make these suggestions in order that the system may have as full a trial as possible and in the hope that it may afford us considerable relief.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[First indorsement.]

OFFICE CHIEF COM. OF SUBSISTENCE FOR VIRGINIA,
Richmond, April 15, 1864.

Respectfully referred through the Commissary-General to the Honorable Secretary of War for his consideration, and with the suggestion that formal regulations in regard to overland commerce be adopted, or at least that all Confederate officers be charged with the duty of preventing (under the fourth section of the law) the unlawful transportation of the prohibited articles. Undoubtedly very large quantities of these articles are being now forwarded to the border by parties who have not even proposed to operate for the Government, and doubtless with the view of an illegal traffic. If the Government can keep the control of this trade, and thus make the demand for these necessary articles entirely tributary to army supplies, a very large amount of meat will undoubtedly be secured.

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

[Second indorsement.]

APRIL 15, 1864.

ASSISTANT SECRETARY:

A general order regulating or prohibiting the transfer of tobacco, &c., to points contiguous to the enemy's lines without permit had

better be framed, had it not? If you concur, will you draft such a one as you deem appropriate and consistent with this law?

J. A. S.

RICHMOND, *April 12, 1864.*

Maj. R. P. WALLER,
Quartermaster, Nassau, New Providence:

SIR: Inclosed is a list* of all the shipments of cotton made to Nassau since the commencement of your operations at that place, and on which Mr. Heyliger was authorized to draw for your benefit. Recently they have not been large, some of the cotton shipped on account of this department having gone direct to Liverpool. What they will be in future it is impossible to tell, as the recent legislation of Congress and the regulations announced by the War and Treasury Departments in execution thereof have yet to be tested. This and other uncertainties of a similar character have prevented this department giving you any definite response to your repeated inquiries respecting the stability of your position at Nassau and your prospect for funds. Nor is it practicable for me to say now how long the services of a purchasing agent may be required at Nassau or to what extent and in what manner the funds he may require will be provided. I can only state that as you are now there, and in your past transactions have made your purchases and shipments in a manner satisfactory to the department, you will be expected to remain as long as the presence of any officer may be deemed necessary at Nassau, and, moreover, that no effort will be spared to meet your expenditures. Nassau, it is true, was resorted to in the first instance to relieve the pressing demands of the winter now closed; but so many supplies have been attracted to that point, from which they can be promptly drawn and at prices but little in excess of European rates, that the prospect is it will continue to be availed of.

I have just written to Mr. Heyliger to see if he has ever received a report of sales of cotton from Fraser, Trenholm & Co. It has been drawn for at an average of £25 per bale, which appears low. I hope there may be a surplus available for you in the future. Your last report shows an indebtedness of several thousand pounds sterling. Still I must look to you to continue your purchases as best you can. It occurs to me that you can operate to advantage in this way: It is understood that vessels that bring in supplies under contract for the Government will be allowed to carry out cotton delivered in payment, dependent on the restrictions recently imposed. Such cotton has been expended heretofore at the rate of 10d per pound in exchange for supplies taken at prime cost, with 75 per cent. added for profit and risk and freight from Bermuda or Nassau at the rate of £25 per ton. To facilitate purchases you might assume the risk and take the supplies at a fair market price, and freight payable, as stated, at Wilmington. In every such transaction you must make a special report and furnish the party with a certificate showing the amount of cotton due in payment for each shipment. On presentation of that at this office I will provide for the delivery of the cotton at Wilmington.

You will suspend for the present the shipment, or rather purchase, of blankets, and forward as largely as you can shoes and woolen cloths, taking care to secure a good article of each. Shoes especially

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*Accidentally omitted; see letter of April 28, p. 351.

will be much needed during the spring and summer months. Do not, however, let any of your operations interfere with the provision you were instructed to make in favor of Mr. Sharp, as it is of the utmost importance that the machinery he goes for shall be received. After that give the preference to shoes, as the demand for them during the campaigning months will be heavy. You are authorized to purchase to any extent you may be able these necessary articles in advance of the receipt of cotton or funds. You may rely upon receiving one or the other at no distant day.

A. R. LAWTON,
Quartermaster-General.

OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
FOURTH DISTRICT VIRGINIA,
Dublin, April 12, 1864.

Maj. B. P. NOLAND,
Chief Commissary of Subsistence for Virginia, Richmond:

MAJOR: Yours of the 7th reached me yesterday. In accordance with last paragraph I immediately telegraphed Captains Wade, Shields, and Venable to hold all breadstuffs and bacon now on hand, collect as rapidly as possible, and hold subject to my order, and to inform me at once the stock on hand. I inclose their replies, which please return me. In yours of April 1 you informed me that "Major King will be directed to turn over to you all subsistence under his control except at his depot, and confine himself hereafter to issuing to troops supplies received from your department, at the post commissaries."

Mr. Glendy, my principal cattle agent, has just returned from Monroe and reports that there are parties purchasing cattle there for Mr. Ludington, who purports to be the agent for Major King (and I have no doubt is), under the authority of Major-General Breckinridge. Mr. Glendy says there are some 425 head of cattle held over by Major King from last year, and some six men employed to attend to them, as he was informed, and these men are also engaged purchasing for Mr. Ludington, the agent of Major King. He has purchased about 400 poor cattle, agreeing to pay for them the maximum of the old schedule, in some cases paying 30 cents, paying no attention to the scale of prices. I have engaged the services of a valuable man in Monroe, as agent of that county. I hope he will not be interfered with. My agents can purchase the entire stock of the district in a few weeks if started out at unlimited prices. The question is, major, has Major King, with or without the authority of General Breckinridge or myself, the management of purchases of stock in this district? He cannot put it on the ground of an urgent necessity, because if such really did exist the stock now being purchased cannot be ready for slaughter before August—should not be before October. Some months ago a question was submitted to you from the Commissary-General which you referred to me, if King was paying too much for grazing. The question I believe was submitted by King himself. I saw then that he was but paving the way for this operation, which is but the renewal of last year's business, and then felt confident that Ludington, the contractor of last year, would again be engaged in the business. I have seen to-day a copy of the Richmond Enquirer, which contains the new schedule, showing an advance in price. These purchases were made under the schedule of $16, $18, and $20. I am very

much in want of impressment powers for my agents. I am in hopes they will be here by to-day's mail. Every day's delay will be felt. The details have not yet reached me or my agents. Some of the last detail I am in hopes will not be renewed after June, if it is possible to secure competent men in their place.

I have seen General Breckinridge on the subject of Major King's purchasing through Ludington. He says he authorized it and has asked for the permission from Richmond. He desires, he says, to secure for his department provisions which will not be forwarded to other commands. He is simply looking out for his own troops by making purchases through his own commissary and agents. I inclose Captain Wade's requisition for funds, approved. I have none as yet, though I have received notice of a small amount, $50,000 being transferred to me.

Very respectfully,

JOSEPH CLOYD,
Major and Chief Commissary of Subsistence, Fourth District.

[First indorsement.]

OFFICE CHIEF COM. OF SUBSISTENCE FOR VIRGINIA,
Richmond, April 15, 1864.

Respectfully referred to the Commissary-General of Subsistence, with request that orders be sent to Major King to turn over all cattle and other articles of subsistence in his hands except amount at his depot, not exceeding thirty days' supply for General Breckinridge's command, to Major Cloyd, chief commissary Fourth District.

B. P. NOLAND,
Major and Chief Commissary for Virginia.

[Second indorsement.]

APRIL 28, 1864.

Captain RIELY:

The Adjutant and Inspector General thinks this matter has been already settled by the Secretary of War, to whom the question presented on other papers was referred.

H. L. C.

File.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
SUBSISTENCE DEPARTMENT,
Richmond, April 15, 1863.

SIR: It is determined to establish as soon as possible a thorough system in the collection of supplies that can be inaugurated at an early day, by which competition between the commissaries and agents of this Bureau and the army commissaries and all other Government agents will be entirely prevented. This system, briefly shadowed forth, is as follows:

A chief purchasing commissary of this Bureau will be selected for each State in the Confederacy, who will divide his State into districts (say some four or five, with a chief purchasing commissary or agent selected for each district, whose duties shall correspond in his district with the duties of the chief commissary in the State, these districts to be subdivided and sub-commissaries or agents selected for each subdivision) who will control and direct all purchases and business done by these district commissaries or agents and through them their

sub-agents. The chief district commissaries or agents will be nominated by the chief State commissary to this Bureau for appointment, and their sub-agents or commissaries shall be nominated by the chief district commissaries or agents to the chief State commissary for appointment upon the approval of this Bureau. This latter clause, however, will apply literally only to the new commissaries or agents which it may be found necessary, in the working of this system, to appoint, because, as far as possible, commissaries or agents already in service must be continued. The commissaries and agents must be competent persons in every respect, thoroughly active and energetic and sufficiently numerous to obtain every pound of surplus supplies in the State. But it must not be forgotten that the fewest number capable of accomplishing the desired object is greatly preferable for many reasons. In all new appointments commissions will not be issued, but the appointment will be that of agents.

You have been selected as the chief commissary for the State of ———, and will proceed at once to inaugurate the above system gradually, but with as much energy and dispatch as is at all compatible with its harmonious accomplishment. You will at once forward a copy of this circular to all the commissaries and agents of this Bureau in your State, and obtain from them immediately all the information necessary to enable you properly to divide your State into districts, and make your nominations for chief district commissaries and agents, and report the same to this Bureau as soon as practicable. You will also require from the said commissaries and agents of this Bureau in your State (a list of which commissaries with their respective posts is herein inclosed—the address of the agents you can obtain from these commissaries) full reports of their present and contemplated operations, the prices they are paying, quantity, and description of the supplies being obtained, and the promise for the future. As soon as you can get this system inaugurated you will require from each chief district commissary or agent (who will require the same from their sub-commissaries and agents) a report of supplies on hand every ten days, with probable future accumulations and issues. These reports when received (and they must be required by you promptly, beginning on the last day of the earliest calendar month at which circumstances will permit you to require them) you will consolidate and send to Maj. S. B. French, commissary of subsistence, Richmond, Va., with the utmost dispatch. You will also report the places in your State deemed by you most suitable for main depots, or rather reservoirs, to and from which supplies may be best collected and distributed. It may be well also to have auxiliary depots to these reservoirs, both in the collection and distribution. These selections must be made with due regard both to safety of position and convenience in relation to transportation. It must ever be remembered that transportation should be husbanded in every manner possible, and therefore that under no circumstances which care, prudence, and foresight can provide against must supplies be twice transported over the same road, nor any article of subsistence transported in opposing directions. When this system is thoroughly organized and worked there will be no portion of the Confederacy which is not thoroughly drained, and therefore wherever our armies move all the supplies of our country will be tributary to their use; and then application will be made to prevent army commissaries from competing with this Bureau's commissaries or agents, and the chief commissary of each army directed to supply his wants by application to

such chief State commissary of this Bureau as may be indicated by the Commissary-General, giving notice of requirements ahead of his actual wants and the points at which his supplies will be needed. And whenever the commissaries in one State or district need supplies which cannot be obtained in their State or district, they will draw them from the most convenient commissaries or agents from points in other States or districts. It may very frequently occur that some articles of subsistence ought not to be purchased in some States or districts because of very high prices. Whenever this occurs the same rule will prevail.

It is impossible to give in a circular all the detailed directions which might be desired; much must of necessity be left to your discretion and judgment, but enough has been said to let you understand the system that is to be inaugurated, and great reliance is placed upon your judgment and energy in establishing it at an early day.

Very respectfully,

L. B. NORTHROP,
Commissary-General of Subsistence, C. S. Army.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, April 13, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: I beg leave again to call your attention most earnestly to the discrimination against this branch of the public service in the matter of furnishing funds. It has become my duty on several occasions before to refer to the effect of making so many requisitions for funds "special," and to the fact that the Quartermaster's Department was not furnished by the Treasury at all in the proportions contemplated by the appropriations made by Congress. As all public funds were turned in by disbursing officers previous to 1st of April, the warrants signed since that date afford a prompt illustration of this continued injustice. The appropriations to this department alone amount to a larger sum than all the other bureaus of the War Department combined, and it is but fair to ask that at least one-half of the warrants signed should be in its favor; otherwise Congress has misconceived its duties in so apportioning the appropriations. I am informed that the warrants signed at the Treasury for the bureaus of the War Department from the 1st to the 12th of April, inclusive, amount to $5,144,575, of which only the sum of $410,000 were for this department, though the sum of $13,460,000 had been requested. I am unable to perform the duties assigned me or to keep in operation the immense machinery of this department if this discrimination is persisted in. I respectfully ask that the Secretary of the Treasury be requested (when all amounts required cannot be furnished) to sign the warrants for each bureau within the month in proportion to the appropriations made by Congress.

Very respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

[Indorsement.]

APRIL 15, 1864.

I will see the Secretary of the Treasury, and, besides, have an eye to the requisitions, with a view to more equal distribution.

J. A. S.,
Secretary.

RICHMOND, VA., *April 13, 1864.*

Governor T. H. WATTS,
Montgomery, Ala.:

Your dispatch of the 7th received and referred to the Secretary of War, who replies that the Department considers that companies may be at once formed of all men who have been enrolled under General Orders, No. 33, and that to hasten enrollments rendezvous may be appointed at any time within the thirty days allowed by the law, but that the privilege of entering the reserve organizations will be lost by failure to enroll for thirty days after the publication of the order in each district.

JEFFERSON DAVIS.

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, April 13, 1864.

General J. E. JOHNSTON,
Dalton, Ga.:

GENERAL: I inclose you a copy of a communication from the Chief of Ordnance, to which I invite your special attention and beg that you will favor me at an early day with your views.

A serious difficulty not mentioned by this report will soon arise—indeed is now felt—in regard to our field artillery. The supply of horses on the present extended scale cannot possibly be kept up, and were the supply sufficient they cannot be foraged without endangering the subsistence of the troops.

Will you indicate what should, in your opinion, be the proportion of field artillery in an organized army?

I am, general, most respectfully, your obedient servant,

BRAXTON BRAGG,
General.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, ———, 1864.

General BRAXTON BRAGG:

GENERAL: I beg to call your attention to the very large proportion of artillery now in the armies in the field.

The number of pieces is as follow: General Lee's army (not including battalion of Washington Artillery at Petersburg), 197, of which about one-half are rifles, including eight 20-pounder Parrotts and one 2-pounder Whitworth; General Longstreet's corps, 27, of which fourteen are rifles, including two 20-pounder Parrotts; General Johnston's army, 123, of which about one-fifth are rifled pieces; General Polk's corps, 24, of which sixteen are Napoleon guns and three rifles.

I respectfully submit that a maximum be fixed for the artillery, not to exceed five pieces for each brigade of infantry.

Three pieces for every 1,000 men, for a full organization, is the largest allowance of modern equipment. It is possible, however, that as the organizations recede from their maximum of strength it no longer becomes a safe rule to apportion the artillery exactly by the strength present.

I propose, therefore, to apportion it by brigades or by regiments, and as our brigades are generally composed of five regiments and scarcely exceed 2,500 men now, and are more probably reduced to 1,500, five guns to a brigade would be an ample allowance. Of these one might be reserve.

The equipment of so much artillery overtaxes our means and necessarily renders the equipment of the whole less complete than it would be if reduced to moderate limits.

By the rule suggested, allowing twenty pieces to the division of cavalry, as at present (quite too much), the artillery of General Lee would be reduced to about 170, including Eshleman at Petersburg, instead of 213. Besides, an increase of thirty pieces has been asked and is preparing under the requisition of General Pendleton, approved by General Lee.

I earnestly invite your attention to the subject.

Very respectfully, your obedient servant,

J. GORGAS,
Colonel and Chief of Ordnance.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 13, 1864.

Lieut. Gen. L. POLK,
Commanding, &c.:

GENERAL: I have the honor to acknowledge your letter of the 31st ultimo,* and am pleased to hear that it is not your desire to interfere with the execution of the conscript law through the regular administration of the Bureau here, but that you seek only that the military police of your department shall be administered by yourself. To this, of course, no objection can be entertained. The Conscript Bureau may, indeed, give, as it has been directed to do, valuable aid in returning or notifying the presence of deserters and stragglers to the commanding general; but he certainly has the power and is at liberty to employ any portion of his command in the arrest of deserters and stragglers. No special organization for such purpose can or ought, however, to be formed by him which shall be composed of conscripts, or which will prevent the regular organization under the terms of the late law of the local reserve forces. When such reserves shall have been, as they are now being, enrolled and organized, companies of them, to such extent as may be necessary, are liable to be called out under the authority of the President, to be assigned to such duties.

It is the contemplation of the President to assign for each State some officer of rank, at least of brigadier-general, who shall be charged with the duty of organizing the local reserves and directing the calls for their services when needed. Such officer within the limits of your department will probably be placed by the President under your general direction, and through him the companies of local reserves can doubtless be commanded by you for police purposes.

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*See Series I, Vol. XXXII, Part III, p. 723.

I do not see how otherwise such companies as you desire can be legally provided, as the class of exempts strictly will be entirely inadequate to afford material for new organizations. The law, as you will recollect, places in the military service all between the ages of seventeen and fifty. Generals for the organization of the reserves have not yet been appointed, but the subject is under the consideration of the President, and will doubtless receive his early action.

I am glad to learn that I misapprehended your meaning in supposing that you contemplated recruiting in the border country from stragglers and deserters. I concur with you fully in regard to the mischievous effects which would follow from such a course. Those mischiefs have been so vividly realized in the border counties of Virginia and Tennessee that Generals Lee and Johnston have urged earnestly that no authorities whatsoever for the recruitment of new organizations should be given, as it was almost impossible to prevent their being abused by the reception of those who had straggled or deserted. It was thought, too, that the mere hope of being able to join such organizations in process of formation tends to produce restlessness and discontent among the soldiers in the embodied armies. In deference to such opinion I have revoked all authorities heretofore granted, and am now issuing none.

The imperfect accounts which we have received from the border counties of North Alabama, Mississippi, and East Louisiana represent the evils and abuses supposed to flow from the allowance of such authorities as prevailing there to a great extent. So strong has been the impression of the President on this point that he has just requested Brigadier-General Ferguson to be sent to Mississippi and East Louisiana to organize and bring under more discipline the detached and loosely formed companies said to be in those districts. The presence and authority of that officer, acting under your command, will probably enable you to accomplish the purpose you have in view in those districts without the necessity of issuing new permits or forming additional companies. Should it be practicable to obtain such control over the disputed districts as will allow the regular enforcement of the conscript law, that course, I have no hesitation in saying, would be more satisfactory to the Department, as it would be alike more equitable and more beneficial to the service to secure the men liable to military service to the veteran rather than the new organizations. Still, if that be not practicable, I have such deference to your judgment and wishes as to sanction the formation of new companies in your department when the conscript law is not and cannot be enforced. I rely, however, on the exercise of this power with caution and due consideration for the avowed policy of the Department to prefer the regular enforcement of the conscript system.

Very respectfully, yours,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *April 13, 1864.*

Maj. N. S. WALKER,
Agent, Saint George's, Bermuda:

SIR: There is a lot of machinery at Bermuda belonging to this department and intended for the manufacture of ambulances, &c., which, with the material accompanying it, it is of great importance to receive. A portion, too, of the cargo of the Princesse Royale, the

shoes and cloths, are greatly needed. The pressure for blankets has ceased for the present. If arrangements cannot be made to ship the articles wanted at a very early day direct to Wilmington from Bermuda, I have to request that you will immediately forward the same to Nassau, from which point there is no difficulty in securing freight room. You can do the same with regard to any other supplies belonging to this department that may hereafter reach Bermuda, where they are likely to meet with unreasonable detention. I understand that there are fair facilities for reshipping to Nassau, and I presume the charges are moderate between that point and Bermuda.

Your duplicate accounts (vouchers withheld) forwarded by the City of Petersburg have been received. They show that over £5,600 has been drawn for by you against the funds of this department. Please write at an early day and explain the nature of some of the disbursements. But one lot of supplies, some 1,500 pair shoes, have been received through you from Bermuda. The draft in favor of Williamson was given at a time when this department had no funds abroad, and it was not intended that the Ordnance Bureau should be reimbursed in sterling. The Secretary of War, in fact, had directed the amount to be paid here. These items, with the freight charges on 65 B. C., are the only ones about which this department knows anything. The pay of signal officers at Bermuda is hardly chargeable to this department, especially as at that point next to nothing in the way of quartermaster's stores has been received. These explanations are, of course, only desired with a view to adjusting these expenditures as between the bureaus chargeable.

A. R. LAWTON,
Quartermaster-General.

P. S.—Reshipments to Nassau will not, of course, be desirable at any time when the vessels engaged in the trade may be diverted to Bermuda, by reason of the establishment of quarantine as to such as come from Nassau.

RICHMOND, *April 13, 1864.*

COLIN J. MCRAE,
Financial Agent Confederate States, Paris:

SIR: Yours of 25th December advising me that you had advanced £50,000 to Major Ferguson has been received. I am gratified to see from the contents of this letter, as also from one addressed to the Secretary of War, that you are fairly impressed with the importance of responding liberally to the wants of this branch of the service. Until recently it has drawn nothing from abroad, and its losses by capture have been so heavy during this winter that it still requires, I can assure you, all the aid that can be extended.

The demand for shoes will soon be greater than ever, when our armies resume active operations, and the limited quantity of wool in this region of country compels me to look abroad for material for clothing. The only relief that spring brings is in the item of blankets, and even these will have to be accumulated during the summer and fall for next winter's use. I regret, therefore, that Major Ferguson was disappointed in the receipt of £25,000, for which a draft was remitted, but at the same time I feel confident that you will continue to aid him, as you have done in the past, to the full extent of your power.

To meet the indebtedness of Major Waller at Nassau I was compelled, with the sanction of the Secretary of War, to appeal to you for assistance. The Commissary, Ordnance, and Mining and Niter Bureaus have now, and have had for some months past, 1,500 tons of freight awaiting shipment at Bermuda, so they would appear to need shipping facilities rather than funds to purchase supplies. The supplies of this department have been drawn through Nassau, where no delay has been encountered. There is nothing there awaiting shipment, but, on the contrary, an indebtedness of nearly £10,000 for stores long since forwarded.

A. R. LAWTON,
Quartermaster-General.

GENERAL ORDERS, No. 42. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 14, 1864.*

I. At the end of each month monthly inspection reports, in accordance with forms last furnished, will be forwarded to this office from the headquarters of the different Confederate States armies. These reports to embrace all troops, of all arms, serving with each army. The cover of all documents relating to inspection duties will be marked on the upper left-hand corner, "Inspecting Department."

II. To secure more full and complete information to this department, army inspectors will forward, with their own reports, those of corps, division, and brigade inspectors, indorsing the latter with such remarks as will indicate changes which have occurred since previous reports, or give a more clear and full idea of the condition of the Army and the relative efficiency of its different organizations and their commanders.

III. Thorough inspections, under arms, of all troops of the armies will be made by the inspectors of the different commands with which they are respectively serving, as follows: Tri-monthly of brigades, semi-monthly of divisions, and monthly of corps. Inspectors at army headquarters will inspect monthly so much of the army as their other duties will permit, stating in their reports the extent of such personal inspections. To avoid harassing the troops by too frequent inspections, the ranking inspectors will inspect, when practicable, at the same time with the subordinate inspectors and at the stated periods of their inspections. At all inspections the ranking inspector will be accompanied and assisted by his subordinates of the commands inspected—for example, the corps inspector by the inspectors of the division and of the brigade to be inspected.

IV. The requisite inspection blanks will be furnished from this office upon timely requisitions, the receipt of which will be acknowledged by army inspectors, who will look to their proper distribution.

V. The commander of each army will have a report of all inspectors serving with it forwarded to this office, giving their names in full, their rank, and the command with which they are serving.

VI. The following is substituted for paragraph V, General Orders, No. 35, current series, which is hereby revoked: Officers of the Conscription Bureau will send to the general commanding the army or department in which the commands captured last served such officers and men belonging to them as have themselves escaped capture. The general commanding will assign them temporarily to depleted organizations, or such other duty as he may direct.

VII. Paragraph II, General Orders, No. 86, 1863, is modified to this extent: The minimum number prescribed by law for a company of

infantry is sixty-four privates; for a company of cavalry, sixty privates.

VIII. Soldiers over the age of forty-five years will be discharged from service in the Army at the expiration of their present term of enlistment. Those under eighteen years will also be discharged in like manner when the enlistment expires, unless they are at that time liable to conscription.

IX. Paragraph IV, General Orders, No. 34, and paragraph I, General Orders, No. 37, 1864, are thus modified: Medical examining boards will forward the original applications of officers (who desire to be retired under the act to provide an invalid corps) and their certificates to the general commanding the army or department to which the officers belong. The general commanding will forward them, with an indorsement of his opinion in each case, through the Surgeon-General to the Adjutant and Inspector General. Certificates of retirement of officers will be issued only from this office.

X. All authorities heretofore given to raise troops, or to recruit for any particular command, are hereby revoked.

XI. The ordnance depot at Savannah (heretofore regarded as a field depot, and under the command of the district commander), having assumed the proportions of an arsenal, will hereafter be designated as the "Savannah Arsenal," and, like other arsenals, will be subject to the supervision of the Chief of Ordnance, Richmond, to whom its commanding officer will report directly.

XII. Officers to whom soldiers on detached or detailed duty report will take possession of their descriptive lists, and, in accordance with instructions thereon given, will prepare and certify to the muster-rolls, upon which they receive the pay due them. Payments will be made such soldiers, when in the field, at the end of every two months; when at posts, at the end of each month. Upon these rolls annual settlements of clothing accounts may be made with soldiers on detailed duty at posts.

XIII. To prevent their detention on their way home, soldiers leaving the Army on furlough of indulgence will, instead of being furnished with descriptive lists, be paid at their commands to the close of the month preceding the dates of their furloughs, upon detached rolls, signed by their company commanders.

XIV. Sick or wounded men sent to hospitals will be paid as heretofore, upon hospital muster and pay rolls. Those who, on account of wounds or ill-health, are permitted to go to their homes may be paid upon descriptive lists by the nearest quartermaster or assistant quartermaster.

XV. When soldiers are ordered to rejoin their commands, officers with whom they have been on duty, surgeons in charge of hospitals of which they have been inmates, and quartermasters and assistant quartermasters paying those sick and wounded at home will (after carefully noting upon their descriptive lists payments made to them) return such soldiers their descriptive lists, to be delivered to their company commander, and will also transmit, through the general commanding the army to which they belong, duplicates of the same to the latter.

XVI. The following acts of Congress are published for the information of the Army:

AN ACT to provide compensation for officers who may heretofore have performed staff duty under orders of their superior officers.

The Congress of the Confederate States of America do enact, That when any officer or private of any legally constituted military organization may have here-

tofore, by order of his proper superior officer, performed any staff duty appropriate to such command, he shall be entitled to receive pay for the time he was so engaged in the discharge of such duties: *Provided*, That there was not then present fit for duty any officer duly appointed for the discharge of the same.

Approved February 11, 1864.

AN ACT to provide tobacco for the Army.

The Congress of the Confederate States of America do enact, That there shall be furnished to every enlisted man in the service of the Confederate States one ration of tobacco, under such regulations as the Secretary of War may establish.

Approved February 17, 1864.

XVII. The Commissary Department will carry out the provisions of the above act in providing and issuing tobacco to enlisted men. The ration is fixed at three-quarters of a pound per month.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 87. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 14, 1864.*

* * * * * * *

II. Col. W. H. Fowler being commissioned as superintendent of army records for the State of Alabama and as agent to adjust the claims of deceased soldiers from that State, commanding officers of the armies in which Alabama troops may be serving are requested to afford to him such facilities in the discharge of his duties (as set forth in the subjoined circular) as may not conflict with the interests of the service.

OFFICE SUPERINTENDENT OF ARMY RECORDS, STATE OF ALABAMA,
January 25, 1864.

THE OFFICERS AND SOLDIERS AND OTHERS INTERESTED HEREIN FROM THE STATE OF ALABAMA:

The Legislature of Alabama at its recent session instructed the Governor to appoint a superintendent of army records to ascertain the names, rank, organizations, and facts concerning troops from the State that have been or may hereafter be mustered into the service of the Confederate States, that the same may be compiled into an historical record, to be preserved in the archives of the State, for the benefit and satisfaction of the living, as a grateful tribute to the memory of the dead, and as a welcome presentation to our posterity, who, in freedom hereafter, will proudly hail this glorious roll of the patriot sons of Alabama.

I am engaged in this work; but the difficulties in my way are serious, owing to the delay in its commencement, the sad want of systematic records, the imperfect returns to the War Department, the loss of rolls, and the numerous changes and vicissitudes of organizations. The work is, however, eminently worthy to be attempted, and the purpose of the Legislature in ordering it is highly commendable. I therefore earnestly request all officers and soldiers from the State, the relatives and friends of those who have died or fallen in the field, and all parties interested herein to aid me promptly and vigorously in obtaining the information required.

It is very desirable that all commanding officers of companies, battalions, regiments, and batteries from Alabama shall forward to me forthwith complete lists from the beginning, in the nature of muster-rolls, of the men and officers of their respective commands, showing the name, rank, age, description, residence, place, date, and term of enlistment; when, where, and how service terminated; meritorious facts [acts] of individuals or organizations; alterations and changes in commands or officers; notes of such as have been wounded, captured, died from disease, or killed, and when and where; promotions, resignations, discharges, transfers, permanent desertions, and such succinct narrative of organization, service, marches, battles, incidents, &c., as may be essential for perfect record; and of organizations that have been merged into others or broken up from any cause. I will be glad to receive information from any source that will facilitate investigation.

I also request all commanders of companies to send me full descriptive lists of their dead, to aid me in the performance of other important duties with which I am charged in settling claims of deceased soldiers.

Surgeons and chaplains can assist me materially by furnishing such memoranda as they can procure of Alabama troops, deaths in hospitals, &c.

Names and facts sent to me by the relatives or intimate friends of deceased soldiers will be very valuable.

It is my intention to visit our various organizations personally; but this may be impossible in many instances, and will consume much time, so that I again urge commanders to assist me by the prompt preparation and remittance of the lists above described. Such record as is designed is due to our soldiers—will be serviceable to them, to their representatives, and to the State, and I confidently expect the cordial aid indicated above.

Let each Alabamian into whose hands this circular may fall consider himself as personally addressed, and set about immediately to forward the matter presented, and I also request every officer of all grades and branches of the service from our State to send me his address (autographic), rank, location, &c., for preservation, reference, and correspondence when necessary.

Address:

W. H. FOWLER,
Colonel, Richmond, Va.

III. Col. W. H. Fowler, agent for the State of Alabama for records, &c., will be allowed by commissaries of subsistence to purchase such rations as an officer of his grade in the field is entitled to. He will be afforded transportation to the various armies in the field in the discharge of his duties as State agent.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, April 14, 1864.

General SAMUEL COOPER,
Adjutant and Inspector General, Richmond:

GENERAL: I have just addressed, this date, to the Commissary-General a note, of which the following is a copy:

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, April 14, 1864.

Col. L. B. NORTHROP,
Commissary-General, Richmond:

COLONEL: I have the honor to inform you that it is the desire of the President that the present arrangement of paying toll, in grain, to the mills for grinding our meal or flour in the Department of Henrico be discontinued immediately; and that the whole of the supplies received shall be devoted to the use of the troops.

This has become a military necessity and admits of no delay in its execution.

This note is addressed you as immediate information. An appropriate order as your authority will be issued to you from the Adjutant and Inspector General's Office.

Very respectfully, your obedient servant,

BRAXTON BRAGG,
General.

I respectfully request that you cause the appropriate order to issue immediately to the Commissary-General so as to arrest at once the operation of the arrangement which the President desires to have terminated.

I am, general, very respectfully, your obedient servant,

BRAXTON BRAGG,
General.

RICHMOND, VA., *April 14, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to return inclosed letters to you of Mr. McRae, of 12th and 19th of February last.* They were referred to me by you for examination, and I beg to report as follows:

On 14th of September last Mr. McRae wrote that he had advanced for the War Department, out of the Erlanger loan, £544,976 5d., and requested that warrants to cover said advance be promptly forwarded to him.

It would seem that the above advance was for the various bureaus in these proportions:

	£	s.	d.
Ordnance Department	167,044	17	7
Quartermaster's Department	156,190	6	1
Medical Department	23,662	5	11
Commissary Department	22,500	0	0
Quartermaster and Commissary (for Crenshaw, sterling)	55,000	0	0
Transportation	120,578	10	10
Total	544,976	0	5

The last item includes transportation from England to the islands, purchase of stores, &c.

In accordance with Mr. McRae's request, on 30th of November last warrants were forwarded him by—

	£	s.	d.
Ordnance Department for	100,000	0	0
Quartermaster's Department for	156,190	6	1
Quartermaster and Commissary jointly for	55,000	0	0
Total	311,190	6	1

And he was informed that the deficit of £233,785 14s. 4d. would be covered as soon as the appropriations of the bureaus on this side permitted.

Now, in addition to the £544,976 5d. which Mr. McRae had already advanced, it was understood that the War Department was still entitled to £262,500 out of the Erlanger loan. After consultation with the chiefs of bureaus you apportioned out this amount as follows:

Quartermaster's Department	£85,000
Ordnance Department	55,500
Commissary Department	40,000
Medical Department	30,000
Niter and Mining Department	40,000
Engineer Department	12,000
Total	262,500

From Mr. McRae's letter and statements it appears that all the bureaus except the Engineer have forwarded warrants for the amounts to which they were entitled under the above apportionment. The warrants of the Ordnance, Medical, and Niter Bureaus were all in favor of Major Huse, and seem to have been used by Mr. McRae to cover the advance under which he still was to ———.

This use of these warrants reduces the deficit of £233,785 14s. 4d. to £108,285 14s. 4d. Since letter of 14th of September last Mr. McRae

*See McRae to Seddon, and inclosure, pp. 154, 155.

appears further to have furnished the War Department with £52,820 4s. 1d., and to have received from it in the shape of warrants and bonds £52,476 15s. (see statement covered by his letter of 19th of February), so that he is at present under actual advance to it of £108,629 3s. 5d.

Major Ferguson still has a claim of £35,000 on Mr. McRae, as £50,000 only have yet been paid him on his warrant for £85,000.

Mr. W. G. Crenshaw holds the Commissary warrant for £40,000, which Mr. McRae cannot honor.

If the Engineer Bureau has drawn for its £12,000 the warrant had not appeared at date of Mr. McRae's letter and statement.

Major Waller, of Quartermaster's Department, has drawn for £20,000, and the drafts have been accepted by Mr. McRae.

Major Huse informs Mr. McRae that he owes £129,593 12s. 4d.

The sum total of all this is that Mr. McRae is under advance to the War Department £128,629 3s. 5d., including the accepted drafts, and that the agents of the various bureaus hold warrants on him for £89,000, including the £12,000 of Engineer Bureau, which I presume has been drawn for.

These are the facts of the account between the War Department and Mr. McRae. The accounts cannot be thoroughly adjusted until it is definitely ascertained how much the War Department is to get out of the Erlanger loan. A second question will then arise, the apportionment of this amount between the various bureaus and the settlement of accounts between them. The funds of the one have, it would seem, been used to meet the liabilities of the other.

Assuming that the share of the War Department out of the Erlanger loan is £807,476 5d., the accounts between the various bureaus may be adjusted as follows:

	£	s.	d.
The Ordnance Department to draw for	187,623	8	5
The Medical Department to draw for	23,662	5	11
Commissary Department (now Ordnance Department)	22,500	0	0
Total	233,785	14	4

This will exactly cover the deficit (see eighth line, second page) uncovered by warrants out of original advance of £544,976 5d. and leave the £262,500 additional to be used by the various bureaus according to apportionment.

As Major Waller, of Quartermaster's Department, has drawn for £20,000 more than justified by the apportionment made here, it becomes a question whether this amount should not be credited Mr. McRae on the £80,000 warrant held by Major Ferguson, and on which £50,000 have already been credited.

Your obedient servant, very respectfully,

THOS. L. BAYNE,
Lieutenant-Colonel, &c.

The above sum of £22,500 has been reimbursed to the Ordnance Department here, and therefore should be covered by the draft of that Bureau. The above arrangement charges the Ordnance Department with the whole $120,578 10s. 10d. for transportation.

EXECUTIVE DEPARTMENT,
Tallahassee, April 14, 1864.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

DEAR SIR: I received from you by telegraph the following communication:

MILLEDGEVILLE, GA., *April 13, 1864.*

The Confederate Government refuses to permit the States to export their own products upon their own ships, unless they will allow that Government to occupy half the room of the vessel. Will you unite with me and other Governors in asking Congress when it assembles to remove the restriction?

I promised by telegraph a reply by letter. Most respectfully I decline to unite with you and other Governors in asking Congress to legislate upon the subject. I am not sensible of the political propriety of the Governor of a State, or the Governors of States, asking Congress to legislate upon that or any other subject. My judgment does not approve of any direct attempt by persuasion or otherwise to be made by the Governor of a State, or the Governors of States, to influence the legislation of Congress. Whenever the acts of Congress shall be considered injurious to any one of the States, or Congress shall fail to legislate wisely upon subjects intrusted by the Constitution of the Confederate States to its legislation, exclusive of the right of legislation by the States severally, joint resolutions by the General Assembly, approved by the Governor of one State (or more States), instructing the Senators and Representatives of the State in Congress, seem to me to be more consistent with the sovereignty and dignity of the State; more probable to command respect, and better adapted to the government of the State as well as the Government of the Confederate States.

It is true that Congress is expected to be in session prior to the General Assembly of this State, or of Georgia, but is it not prudent to defer any anticipated benefit from the legislation which you would suggest, rather than unauthorized by any precedent in a matter of doubtful political propriety to attempt, as you propose, to influence the legislation of Congress? Permit me in candor to say, and most respectfully, that I am not convinced of the necessity of any further legislation of Congress upon the subject.

The act of Congress, approved February 6, 1864, and the regulations to carry it into effect, approved March 5, by the Secretary of the Treasury, Secretary of War, and the President of the Confederate States, impose no restrictions "upon the Confederate States, or any one of them, from exporting any of the articles enumerated in the act on their own account, nor is a bond required of the State in any case."

I apprehend that if each of the States should undertake to supply the wants of their citizens respectively, whether in military service or at home, the result would be alike disastrous to the Confederate States and the several States.

The Government of the Confederate States has better recognized advantages and superior facilities to provide for the armies in service than any one of the States, and to supply the wants of citizens not connected with the Army, if their necessities can only be supplied by traffic with the citizens of foreign nations, it is better to rely upon individual enterprise than upon the respective State authorities.

Might not attempt on the part of the States, separately, to relieve the necessities of the armies and citizens by trade with citizens of

foreign nations destroy the confidence and respect which those nations entertain for the ability of the Confederate States as belligerents under a government of their own choice; embarrass Congress under the obligations imposed by the Constitution "to provide for the common defense and carry on the Government of the Confederate States;" cause our armies and citizens to suffer, and endanger the stability of the Confederate Government, if not entirely destroy it, by a separation of the States?

The safety of the people and preservation of their rights under the Government of free, sovereign, and independent States, confederated for mutual protection, demand the utmost confidence and generous support of the State governments to the maintenance of the Confederate Government in the execution of sacred trusts which have been confided to it. It is best, therefore, where it can be honorably done, to avoid all conflicts and competition between the State and Confederate authorities for political power, or commercial privileges, at all events during the existing war. When the independence of the Confederate States shall have been achieved and recognized by other powers, and the din of war shall have ceased, the rights of the States and the constitutional powers of the Confederate Government will be adjusted by an intelligent, brave, and free people, to secure the enjoyment of civil liberty to themselves and their posterity.

I have the honor to be, very respectfully,

JOHN MILTON,
Governor of Florida.

RICHMOND, VA., *April 14, 1864.*

Hon. R. M. T. HUNTER,
Lloyds Post-Office, Essex County, Va.:

MY DEAR SIR: I have your note of the 11th with its inclosures.* I have not been unmindful of the necessity for prompt action in the matter to which you refer, and have made attempts to engage for the service in Canada several gentlemen deemed competent, but they have declined for various reasons. The subject is too delicate to permit my entering into details until I have the pleasure of seeing you. I confine myself to saying that two persons specially qualified are now on their way here from the south, and I have reason to hope they will depart on the duty intrusted to them in a few days. One of them, the general agent, is well known to you. I think our friend, whose letter you inclosed, ought not to expect any further action in his favor at present. You are aware that the business in which he is now engaged was not suggested by me, but was devised by himself as offering a provision which he represented as perfectly satisfactory. I understood that he would rely on his success for remuneration, and was so confident of the result as to declare distinctly that if his expenses were paid he would ask nothing more. A considerable sum has been spent in affording him the opportunity, and he now seems not to have proceeded beyond Halifax before indicating a doubt of success. I cannot appoint a consul there, as he could not get an exequatur, or commercial agent, as none is required; and do not see that anything further can now be done for him, although quite disposed to render him any proper service, as well as anxious to oblige you.

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* Not found.

I had previously heard of our soldiers who had sought refuge in Canada, after escaping from captivity, and have made provisions to aid their return to the Confederate States. Will you not be here before the meeting of Congress?

As ever, very truly, your friend,

JEFFERSON DAVIS.

CIRCULAR No. 16.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 15, 1864.

The circular issued from this Bureau on the 10th day of October, 1863, directing enrolling officers to "respect the certificates of agents authorized by the Secretary of the Navy, given to persons engaged in the construction of ships, gun-boats, engines, sails, or other articles necessary to the public defense under the direction of the Secretary of the Navy," is hereby revoked, and in future no such certificate will be respected. Hereafter details for such service will be governed by the regulations pertaining to details for service in the other departments.

By order of Colonel Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

CIRCULAR No. 17.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 15, 1864.

Persons detailed for bureau service in accordance with special instructions from the War Department should not be disturbed by the officers of conscription. The orders for the reduction of the details are addressed to the chiefs of the bureaus, and the reductions are to be made by them and under their directions. It is only when the details are terminated that the jurisdiction of this Bureau attaches to such persons so as to authorize their removal. Upon any such case coming to the knowledge of enrolling officers they should report the fact for action by the War Department, giving in full all the circumstances of the case that can be collected.

By order of Colonel Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

GENERAL ORDERS, No. 43.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 16, 1864.

I. By the provisions of an act of Congress entitled "An act to impose regulations upon the foreign commerce of the Confederate States to provide for the common defense," approved 17th of February, 1864, the exportation of cotton, tobacco, military and naval stores, sugar, molasses, and rice from the Confederate States, except under such uniform regulations as might be made by the President, was prohibited; and the President was authorized to employ any portion of the military and naval forces of the Confederacy in order to prevent the

departure of any vessels or vehicles that might be employed in carrying on a commerce in these articles contrary to law.

II. The commanding generals of departments and districts will issue orders and instructions to their officers that whenever it shall reasonably appear that any vessel or vehicle has been laden, in whole or in part, with any of the said articles for exportation or conveyance beyond the limits of the Confederacy, or to any place within the Confederacy not under the control of their civil or military authorities, and whenever there is reason to believe that any of the articles aforesaid have been so laden, or have been collected at any place of deposit with a view to exportation or conveyance beyond the limits or lines aforesaid, to seize and detain the same, with the vehicles, teams, and slaves employed, that investigation may be had according to the conditions of the act aforesaid and these orders, unless the owner or his agent or bailee has a permit from a collector of the revenue, or from an officer of this Department who may be authorized to grant such licenses.

III. The conditions upon which the trade by sea or overland to Mexico can be carried on have been determined by the regulations of the President, and any exportation or attempt to export any of the articles aforesaid contrary to those regulations will authorize the detention of the vessel or other instruments of transport.

IV. When a deposit of the prohibited articles is made at a point from which easy access to the lines of the enemy can be obtained, or are on a vehicle apparently on the way to their lines, or in the vicinity thereof, or when the owner is not a permanent resident of the place where the articles are found and from which they can easily be transported beyond the lines, or is a suspicious person, detention of the articles and vehicles for inquiry will be made.

V. All vehicles, animals, slaves, or other means of transportation, and all cotton or other articles that may be seized, whether by the officers of the revenue or by military authorities, for any violation of law or of these regulations, shall be, without any waste, spoliation, impressment, or injury of any kind, forthwith conveyed and delivered to the nearest marshal or deputy marshal of the Confederate States, and a detailed receipt taken from him, setting forth a full description of the property seized and delivered to him for safe custody. And it shall be the duty of said marshal or deputy marshal to keep the property so surrendered in safe custody until the further order of the judge or a commissioner of a district court of the Confederate States having jurisdiction of the subject-matter; and the said marshal or deputy marshal shall forthwith, upon the receipt by him of the property seized, give information to the collector of the district, or to the district attorney, or to both if practicable, of all the facts in relation to the seizure of the property and its delivery to him for safe-keeping.

VI. No military authority shall presume, under any circumstances, to seize property while being carried under the provisions of the law and of these regulations, for any other cause than a violation of said provisions; nor, in case of seizure, to dispose of the property seized in any other manner than that prescribed in the foregoing regulation. But in case where there is great risk of the property falling into the hands of the enemy, it shall be competent for the proper military authorities to require the licensed carrier to suspend his trip till the danger be passed, or to pursue a different route from that originally designated, or even, in cases of imminent danger, to abandon the trip.

VII. Information will be given from time to time from this Department to the commanding generals of the conditions on which transportation by land be made.

By order:

S. COOPER,
Adjutant and Inspector General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, April 16, 1864.

Hon. J. A. SEDDON,
Secretary of War:

DEAR SIR: Permit me to express the hope that you will suspend, for the present at least, the enrollment and conscription of the State reserves in North Carolina from seventeen to eighteen and from forty-five to fifty years. Their enrollment now, with the present prospect of their being called to the field from their crops, causes the most general consternation and gloom. I have no hesitation in assuring you that the partial abstraction even of these men from their crops at any time between this and August would be followed by the most distressing consequences.

In addition to these considerations I beg leave to remind you that the authorities of this State would be left powerless, without the shadow of a militia organization to enforce obedience to law or respect. Having no second-class militia, as most of the States have, I presume it cannot be the intention of the Confederate Government to reduce a sovereign State to this dangerous and humiliating condition. Such a course would be utterly at war with the genius of our new Government and repugnant to all the professions of the Administration.

Our Legislature will convene again in the latter part of May, when I have no doubt steps will be taken to provide such a militia force as the exhaustion of the country will allow. Till that time I insist that you will leave the present organization untouched. In the meantime the Home Guards, now thoroughly organized and pretty well officered, are entirely at your service in case of emergency.

Very respectfully, your obedient servant,

Z. B. VANCE.

EXECUTIVE OFFICE,
Macon, April 17, 1864.

Lieut. Gen. L. POLK,
Demopolis, Ala.:

GENERAL: Inclosed is a copy of the order to Captain Ashcraft authorizing him to raise troops for State service. He has not been commissioned and will not until discharged from Confederate service. Can you inform me whether he has been discharged or has leave of absence?

I am, general, with high respect, your obedient servant,

CHAS. CLARK,
Governor of Mississippi.

[Inclosure No. 1.]

SPECIAL ORDERS, No. 25.

HDQRS. STATE OF MISSISSIPPI,
ADJT. AND INSP. GENERAL'S OFFICE,
Macon, December 24, 1863.

Capt. T. C. Ashcraft is hereby authorized (provided the Confederate authorities will grant him a leave of absence for that purpose) to raise a regiment of cavalry for the State service, to serve for two years or the war. The regiment will consist of ten companies, and each company will consist of not less than sixty-four men, exclusive of officers and non-commissioned officers. The company officers will be elected by the men, and hold their offices during the pleasure of the Governor. The field officers will be elected by the regiment, or nominated by the company officers and appointed by the Governor, as may be hereafter ordered.

By order of Charles Clark, Governor and commander-in-chief:

W. H. McCARDLE,
Colonel and Adjutant-General.

[Inclosure No. 2.]

GENERAL ORDERS, No. 7.

HDQRS. STATE OF MISSISSIPPI,
ADJUTANT-GENERAL'S OFFICE,
Macon, January 25, 1864.

I. As many mounted volunteers (not liable to conscription in the Confederate service) as may offer will be received and mustered into the State service, to serve during the war, unless sooner discharged by the Governor. All able-bodied men between the ages of sixteen and sixty years will be accepted. They will be received by companies. Full companies will consist of not less than seventy-seven men, officers included. Each company will have one captain and three lieutenants, to be elected by the men.

II. The companies will be organized into battalions and regiments, as may be hereafter ordered. Each regiment will have one colonel, one lieutenant-colonel, and one major, to be appointed by the Governor upon the recommendation of the company officers. Battalions of not less than five companies will be entitled to one major, and those of six or more companies to one lieutenant-colonel, and one major should the latter be deemed necessary; these officers to be appointed in the same manner as the field officers of regiments. Regiments, battalions, and companies will be subject to reorganization or consolidation.

III. All commissions will be held during the pleasure of the Governor, and will be revoked by him when he deems that the interest of the service requires it. Vacancies will be filled by promotion, appointment, or election, as the Governor may in each case determine.

IV. When full companies cannot be conveniently formed a less number will be received as follows: Twenty or more men, with one lieutenant, one sergeant, and one corporal; forty men or more, with two lieutenants, two sergeants, and two corporals. These fractions will be combined into companies as may be hereafter ordered, and until such combination be made the lieutenants will hold the rank of junior second where the fraction has but one, and of second and junior second lieutenants where there are two.

V. All men hereafter mustered into the State service will be allowed to remain at home until ordered to active duty, and when so ordered they will be entitled to receive a bounty of $50 (having previously been

inspected), and thereafter they will receive the same pay and allowances as the like troops in the Confederate service.

VI. The officers and men will furnish their own horses, which in all cases will be appraised and regularly mustered. The same compensation for the use and risk of horses and pay for them when killed will be made as is allowed in the Confederate armies.

VII. All pay and allowances to officers and men will cease while they are absent from duty, whether with or without leave, unless on leave upon a surgeon's certificate of absolute disability.

VIII. The power to remove all officers is retained by the Governor to enable him to hold them to a rigid accountability for the order, discipline, and good conduct of their men.

IX. The Regulations for the Army and the Rules and Articles of War established by the Confederate Government have been adopted by the Legislature of Mississippi for the government of the State forces. They will be rigidly enforced against all delinquents.

X. All companies accepted and mustered into service will, until ordered to the field, be assembled at least once a week for company drill.

XI. The Confederate Government has agreed to furnish all the arms required, and they will be placed in the hands of the troops as rapidly as they can be assembled.

XII. From the number of companies already offered it is believed that a sufficient number of volunteers will be raised to aid the Confederate Government in effectually protecting the State, and thus obviate the necessity of a draft from the militia.

XIII. Any gentleman desiring to enter the State service is authorized to raise a company, under the restrictions and in compliance with the terms of this order.

By order of Charles Clark, Governor and commander-in-chief:

W. H. McCARDLE,
Colonel and Adjutant-General.

CIRCULAR No. 18.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 18, 1864.

In pursuance of instructions from the Secretary of War, commandants of conscripts will grant details until the 1st day of June, 1864, to all persons liable to conscription on the 10th day of April instant who are certified by the Quartermaster-General to be in the service of his department on the said 10th of April and necessary thereto.

By command of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 91.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, April 19, 1864.

* * * * * * *

XXXVI. Joseph Jackson, jr., having been commissioned by the Governor of Virginia as "recorder of Virginia forces" serving during

the existing war, commanding officers of armies in which Virginia troops may be serving are requested to afford to him such facilities in the discharge of his duties as may not conflict with the interests of the service.

XXXVII. Joseph Jackson, jr., "recorder of Virginia forces," will be allowed by commissaries of subsistence to purchase such rations as a colonel, Provisional Army, C. S., in the field is entitled to. He will be afforded transportation to the various armies in the field in the discharge of his duties as recorder, &c.

XXXVIII. William B. Johnston, having been appointed by the General Assembly of South Carolina as agent for the collection and record, for deposit in the State archives, of the names of the gallant sons of South Carolina who have fallen in their country's defense, from whatever cause, commanding officers of armies in which South Carolina troops may be serving are requested to afford to him such facilities in the discharge of his duties as may not conflict with the interests of the service.

XXXIX. William B. Johnston, State agent of South Carolina for record of deceased soldiers, will be allowed by commissaries of subsistence to purchase such rations as a colonel, Provisional Army, C. S., in the field is entitled to. He will be allowed transportation to the various armies in the field in the discharge of his duties as State agent, &c.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS GEORGIA RESERVES,
Macon, April 19, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: In accordance with directions from the Adjutant and Inspector General's Office, I have the honor to inform you that the regiments and battalions on the inclosed list herewith returned, with the exceptions of the First, Second, and Twenty-third Battalions, formed the late Georgia State Guard, and were mustered out of service on or about the 4th day of February, 1864, their term of enlistment having expired. The First and Second Battalions are accounted for on the list. The Twenty-third is composed of the employés at the Athens Armory, and has never formed a part of my command. Brig. Gens. A. Iverson and H. R. Jackson served with me and reported through me to the Department on March 3, 1864, as my letter to you of that date will show. General Iverson has since been assigned to the command of a brigade of cavalry in the Army of Tennessee, and General Jackson was assigned to duty with my present command on April 6, 1864, by orders from your office.

I am, general, very respectfully and truly, yours, &c.,

HOWELL COBB,
Major-General, Commanding.

[Inclosure.]

List of Georgia State organizations.

1st Regiment Infantry, Col. W. H. Dabney.
2d Regiment Cavalry, Col. John B. Willcoxon.
3d Regiment Cavalry, Col. Robert Toombs.
4th Regiment Cavalry, Col. Robert White.
5th Regiment Infantry, Col. W. L. Salisbury.
6th Regiment Infantry, Col. W. A. Lofton.
7th Regiment Infantry, Col. G. N. Lester.
8th Regiment Infantry, Col. J. T. Henderson.
9th Regiment Infantry, Col. P. H. Mell.
10th Regiment Cavalry, Col. J. J. Floyd.
11th Regiment Infantry, Col. A. T. McIntyre.
12th Regiment Infantry, Col. W. H. Robinson.
Floyd Legion, Col. James G. Yeiser.
Cherokee Legion, Col. James E. Rusk.
1st Battalion Infantry, Lieut. Col. J. B. Oliveros.*a*
2d Battalion Infantry (no field officers).*a*
3d Battalion Infantry, Lieut. Col. G. W. Lee.
4th Battalion Infantry, Maj. A. Whitehead.
5th Battalion Infantry, Maj. W. A. Wilson.
6th Battalion Cavalry, Lieut. Col. A. B. Culberson.
7th Battalion Cavalry, Maj. Linton Stephens.
8th Battalion Cavalry, Maj. J. T. Stephens.
9th Battalion Cavalry, Maj. William Phillips.
10th Battalion Mounted Infantry, Maj. H. F. Price.
11th Battalion Infantry, Maj. John Cooper.
12th Battalion Cavalry, Maj. T. R. Stewart.
13th Battalion Infantry, Maj. C. C. Yarborough.
14th Battalion Infantry, Maj. J. E. Jones.
15th Battalion Cavalry, Lieut. Col. E. T. Jones.
16th Battalion Cavalry, Maj. D. M. West.
17th Battalion Infantry, Maj. J. W. McGee.
18th Battalion Infantry, Lieut. Col. Charles A. Platt.
19th Battalion Infantry, Lieut. Col. D. B. Thompson.
20th Battalion Infantry, Maj. H. G. Wright.
21st Battalion Infantry, Maj. J. B. Kenedy.
22d Battalion Infantry, Lieut. Col. N. A. Carswell.
23d Battalion Infantry, Maj. F. W. C. Cook.

[APRIL 20, 1864.—For Forrest to Jack, in relation to raising troops in West Tennessee, see Series I, Vol. XXXII, Part III, p. 798.]

CIRCULAR No. 19.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., April 21, 1864.

Commandants are instructed to investigate with special care the cases of all persons claiming to be citizens of Maryland. Unless the parties can prove beyond all reasonable doubt that they are not "residents of the Confederate States," they will be assigned to the Army in accordance with existing regulations for the disposition of conscripts.

In case such proof is given the parties will be forthwith reported to this Bureau, with descriptive lists, and notified that they will be expected to report in person either to Major-General Elzey, at Staunton, or Col. Bradley T. Johnson, at Hanover Junction, Va., for incor-

a Not forwarded by General Cobb.

poration with the Maryland Line, failing to do which they will render themselves liable to be considered alien enemies.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

MONTGOMERY, ALA., *April 21, 1864.*

General BRAXTON BRAGG,
Richmond, Va.:

GENERAL: It has been ordered that the supplies of Georgia be forwarded to the Army of Virginia and that the Army of Tennessee be sustained from Alabama. The corn crop of the eastern section of this State was limited and will not afford a supply; hence the necessity of depending upon the middle and western portions. The only outlet for the removal of stores from Central Alabama is the Montgomery and West Point Railroad, which has not capacity for the requirements of the Government. Its gauge is narrower than that of the other roads, and it is now deemed impracticable to increase its rolling-stock.

I would respectfully call your attention to the completion of the railroad from Talladega, Ala., to Rome, Ga., a distance of fifty-three miles, the track for which, I am informed, is graded through. This would complete the line to the Alabama and Tombigbee Rivers, and the rich land of all that portion of the State. The great pressure upon this, the only available, line would be relieved, and the most productive section now within our reach brought in easy communication.

I have understood the value of this improvement has been before represented, and pressing necessity alone induces me to ask that consideration which the importance of supply demands.

Your obedient servant,

PARKER CAMBELL,
Major, &c.

[First indorsement.]

APRIL 29, 1864.

Respectfully referred to the Honorable Secretary of War.

The subject is one of great importance, which has previously received my favorable indorsement.

BRAXTON BRAGG,
General.

[Second indorsement.]

MAY 3, 1864.

Engineer Bureau for consideration.

J. A. S.

[Third indorsement.]

ENGINEER BUREAU,
May 17, 1864.

Respectfully returned to Honorable Secretary of War.

Lieut. Col. Minor Meriwether received instructions a month since to do all in his power to press forward this connection. A letter has been written calling his attention to this important subject again, and I believe that everything will be done that can by Colonel M.

A. L. RIVES,
Colonel and Acting Chief of Bureau.

DEPARTMENT OF JUSTICE,
Richmond, April 22, 1864.

The PRESIDENT:

SIR: I have the honor to acknowledge the letter of General Bragg submitting to me by your direction an inquiry as to the legal status of certain general officers, to wit:

First. Those appointed under sixth section of the act "to provide for the public defense," approved 6th March, 1861, and the amendatory acts of 18th September and 6th October, 1862.

In relation to this class it is stated "some have been left out of command by the great reduction of the rank and file, rendering a consolidation of brigades and divisions necessary; some by the breaking up and dispersion of their commands, as in the cases of the garrisons of New Orleans and Vicksburg; some have left their commands from sickness, wounds, &c., and prolonged absence has rendered it necessary to fill their places."

Second. Lieutenant-generals, who may have been relieved of their commands by various casualties, as in the case of Lieutenant-General Pemberton at Vicksburg. His command, as exchanged, has been assigned to other corps. So, also, of Lieutenant-General Holmes, first relieved from duty in Arkansas, who reports here for assignment.

The acts authorizing the appointment of brigadier and major generals in the Provisional Army are the following:

Act of 6th March, 1861, to provide for the public defense, section 6:

> That the President is hereby authorized to organize companies so tendering their services into battalions or squadrons, battalions or squadrons into regiments, regiments into brigades, and brigades into divisions, whenever in his judgment such organization may be expedient; and whenever brigades and divisions shall be organized, the President shall appoint the commanding officers for such brigades and divisions, subject to the confirmation of Congress, who shall hold their offices only while such brigades and divisions are in service.

By the acts of 8th May, 1861, "to raise an additional military force to serve during the war," and 11th May, 1861, "to make further provision for the public defense," the troops therein authorized to be received were directed to be organized according to the provisions of the foregoing act of 6th March, 1861.

Act of 13th October, 1862, "to increase and regulate the appointment of general officers in the Provisional Army:"

> That the President be, and is hereby, authorized, by and with the advice and consent of the Senate, to appoint twenty general officers in the Provisional Army, and to assign them to such appropriate duties as he may deem expedient.

It will be more convenient to consider the case of major and brigadier generals separately from that of lieutenant-generals. They may be divided into two classes: First, major and brigadier generals appointed under the acts of 6th March, 1861, and 8th and 11th May, 1861. These are all governed by the sixth section of act 6th March, 1861, above cited.

The intention seems too plain for doubt. It was to prevent the accommodation [accumulation] of supernumerary generals, which would cheapen the honor of promotion and be a useless burden upon the Treasury. The President is not authorized to appoint major and brigadier generals at his discretion. No such appointment can be made unless there is an organized brigade or division, to the command of which the appointee is to be assigned, and by the express words of the act, whenever the brigades or divisions go out of service the generals are no longer to hold their offices. The office depends

upon the organization; is lawful only when that is complete; continues only while it exists, and expires with it, unless there be some other organized brigade or division to the command of which the officer may be and is assigned. It was not the intent of the act so to blend together the organization and the office that neither could exist apart from the other. Its chief purpose, as has been said, was to prevent the Army from being burdened with supernumerary and useless officers. Whenever, therefore, an officer has been duly appointed to an organized brigade or division, it is within the scope and policy of the act that the President may assign him to the command of any other organized brigade or division. So, when the organization of a brigade or division is destroyed, the President may assign the general who commanded it to any other vacant brigade or division, and is not compelled to make a new appointment for this last command. I am of the opinion, therefore, that the major and brigadier generals appointed under these acts, whose commands have lost their organization by consolidation or by the casualties of war, and who cannot be assigned to the command of some other organized brigade or division, have lost their commissions.

As to the other class—those whose long absence, from sickness, wounds, &c., has rendered it necessary to fill their places, the organization of their commands remaining unchanged—it is understood that one of the main objects in passing the act of 13th October, 1862, was to furnish the President with the means of filling their places temporarily, so that they might not lose their grade by having become disabled in the public service. And it is as consistent with the policy of the law as it is with justice and humanity that such absent officers should not lose their commissions in cases where other officers appointed under the act of 13th October, 1862, have been assigned to their commands; and they may be restored to their commands upon returning to duty.

This class may present another condition. Such officer upon reporting for duty may be unfitted by his wounds for commanding a brigade or division in the field, but may be capable of discharging other duties appropriate to his grade. The President may appoint him under the act of 13th October, 1862, provided the whole twenty have not already been appointed. But can he under that act be continued in his grade under his old commission and with his old date? I think not. The act gives the President an authority which he did not before possess. It empowers him, "by and with the advice and consent of the Senate, to appoint twenty general officers," &c. It contemplates future action by the President and Senate, and not a mere passive confirmation of something which has been done before. Some of these officers were appointed under the Provisional Government. It cannot be contended that their former confirmation by the Provisional Congress would fulfill the condition of the advice and consent of the Senate, required by the act. If so, the mere will of the President to let them remain in their grade would amount to an appointment by him without the consent of the Senate, which is against the express words of the act. I think that an act which authorizes the appointment of an officer cannot be construed so as to continue an appointment already made under a former act passed *diverso intuitu*, more especially when such a construction would necessarily give a rank which antedates the passage of the law.

Second. Major and brigadier generals, appointed under the act of 13th October, 1862. This act is general in its terms. It authorizes

an appointment, not for any particular command or organization, but for general duty in the Provisional Army, according to the assignment of the President; and it contains no limitation of their terms of office. I am of the opinion that the generals appointed under this act hold their commissions during the war.

The acts authorizing the appointment of lieutenant-generals in the Provisional Army are the following:

Act of 18th September, 1862, "to amend an act entitled 'An act to provide for the public defense:'"

That the sixth section of the act to provide for the public defense, approved on the 6th March, 1861, be amended by adding, after the words "brigades into divisions," the words "and divisions into army corps," and each army corps shall be commanded by a lieutenant-general, to be appointed by the President, by and with the advice and consent of the Senate, who shall receive the pay of a brigadier-general.

Act of 6th October, 1862, "to provide for the organization of army corps," which is substantially the same with the one last cited, and seems to have been passed by an oversight, as it contains no provision not in the former act, and effects its purpose in precisely the same way.

Act of 13th October, 1862, authorizing the appointment of twenty general officers, above mentioned.

Act of 17th of February, 1864, relating to the appointment of a general and lieutenant-generals, section 2:

That the President may, by and with the advice and consent of the Senate, appoint lieutenant-generals in the Provisional Army of the Confederate States, when in his discretion it shall be deemed necessary for the command of any one of the military departments.

Section 3:

That the officers appointed under the provisions of this act shall continue to hold the rank herein provided so long as they shall efficiently discharge the duties in command of said several departments, and no longer, but will resume thereafter their former rank in the service.

The lieutenant-generals may be divided into three classes:

First. Those appointed under the acts 18th September and 6th October, 1862. These acts are amendatory of the act of 6th March, 1861, and are to be understood as if their provisions were inserted in the body of that act. Their effect is to enlarge the organization of the Provisional Army and to create a higher grade of general officers. But the policy of the former act is not changed, and the officers of this higher grade are subject to all of its provisions. Lieutenant-generals, therefore, appointed under these acts hold office only while in command of an organized corps. Those whose commands had lost their organization, and those relieved of their command while the organization of their corps remains unchanged, may be assigned to any other organized corps; but if there be no such corps to which they can be assigned they lose their commissions.

Second. Lieutenant-generals appointed under the act of 13th October, 1863, authorizing the appointment of twenty general officers, for the reasons assigned in relation to brigadier and major generals, hold their commissions during the war.

Third. As none of the cases presented have arisen under the act of 17th February, 1864, the construction of that act is not called for now, and it would not be proper to express an opinion.

GEO. DAVIS,
Attorney-General.

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, April 22, 1864.

Col. WILLIAM PRESTON JOHNSTON,
Aide-de-Camp:

COLONEL: The views expressed in the draft of a message to the Senate, returning with objections the "staff bill" of last session, occur to me as sound, and some of them so important as to have precluded the approval of the bill in the shape passed.

Our staff requires great modification and admits of much improvement. Its greatest wants, however, can only be supplied by time, experience in service, and high military education. No increase in rank or number can cure, though it may palliate, the radical defects of our present imperfect organization.

The great error of the bill was in making the staff almost entirely personal—the mere creation of the general. Our present inefficiency is due almost entirely to this cause. A system of favoritism and nepotism has been the natural result, and inefficiency its consequence.

The staff, except the personal aides of the general, should be considered as a component part of the command and remain with it without reference to change of commanders.

The staff corps should be so organized as to allow the assignment by the War Department of the following officers to armies and their component parts, and the President should have power to increase these corps, so as to allow special assignments to detached commands, large geographical departments, and fixed posts:

Army, two or more corps: Chief of staff, with rank of brigadier; assistant adjutant-general, with rank of colonel, and two assistants; inspector, with rank of colonel, and two assistants; quartermaster, with rank of colonel, and one major; commissary, with rank of lieutenant-colonel, and one captain; medical, with rank of surgeon, with pay of lieutenant-colonel, and one with pay of major; ordnance, with rank of colonel, and one major. Corps: Adjutant-general, lieutenant-colonel, and one major; inspector, lieutenant-colonel, and one major; quartermaster, one lieutenant-colonel; commissary, one major; ordnance, one major; medical, one surgeon. Division: Adjutant-general, one major; inspector, one major; quartermaster, one major; commissary, one captain; ordnance, one captain; medical, one surgeon. Brigade: Adjutant-general, one captain; quartermaster and commissary, one captain; medical, one surgeon.

The following, it seems to me, would be ample for the personal staff of the several grades of general officers: Aides-de-camp, brigadier, one first lieutenant; major-general, one captain; lieutenant-general, one major and one captain; general, one lieutenant-colonel, one major, and one captain, and when commanding one or more armies, one military secretary, with rank of colonel.

Very respectfully, your obedient servant,

BRAXTON BRAGG.

RICHMOND, VA., *April 23, 1864.*

His Excellency THOMAS H. WATTS,
Governor of Alabama:

MY DEAR SIR: Your letter of March 8* was duly received by me, but an answer has been necessarily delayed by its references for the

*Not found.

purpose of fuller information. I trust now, however, that arrangements have been made by which the conscript act and provost duty may be effectively carried out, as suggested in your letter, by the employment of reserves instead of able-bodied men liable to military duty. It would seem that where these reserves are composed of reliable citizens, and a resort to military force is requisite, either in enforcing the conscript act or for the preservation of the community from evils of other sorts, that those acquainted with the localities and who cannot go to the field for active duty are the proper agency to be used. I am well assured that in this and all other measures for vigorously and successfully prosecuting the war to a triumphant issue that the Confederate Government will receive your hearty co-operation and assistance. Please accept the assurances of my continued regard and esteem.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

HEADQUARTERS DISTRICT OF THE GULF,
Mobile, Ala., April 23, 1864.

General SAMUEL COOPER, C. S. Army,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I respectfully suggest to the consideration of the War Department the establishment here of a military school for the education of young officers. There are many young gentlemen serving as privates in the ranks who would derive much benefit and be enabled to render better service if the means of education were afforded them. Mobile seems to me to be the best place in the southwest for the establishment of military schools, and at this time there are several officers on duty here, graduates of military colleges and men of good ability and attainments, who will gladly aid in organizing a good system of military education. I have requested Colonels Burnet, Beltzhoover, Sheliha, Brown, and Quattlebaum, and Major Trueheart to submit to me a project for military education, which, if desired, I will transmit to the War Department for the consideration of His Excellency the President.

I am, general, very respectfully, your obedient servant,

DABNEY H. MAURY,
Major-General, Commanding.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
May 17, 1864.

Respectfully submitted to the Secretary of War.

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

MAY 21, 1864.

ADJUTANT-GENERAL:

I believe there is a law for the establishment of a military school, but it has not been considered practicable to establish and put it in operation during the war. The best military education just now must be found in the field. Note and please look up the law and let me see it.

J. A. S.,
Secretary.

[Third indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
June 7, 1864.

Respectfully returned to the Secretary of War.
There is no law authorizing the establishment of a military school.

H. L. CLAY,
Assistant Adjutant-General.

[APRIL 23, 1864.—For Seddon to Vance, in regard to suspending the execution of the conscript law in the mountain counties of North Carolina, see Series I, Vol. LIII, p. 329.]

DEPARTMENT OF JUSTICE,
Richmond, April 26, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The papers transmitted by you in the case of A. C. Myers present the following facts:

On the 15th of April, 1861, A. C. Myers was appointed lieutenant-colonel in the Quartermaster's Department, and after that date he is styled Acting Quartermaster-General in the correspondence of the War Department.

On the 15th of February, 1862, he was nominated to the Provisional Congress in the following words: "A. C. Myers, of South Carolina, Quartermaster-General, to be colonel, to take rank from the date of his confirmation," and the nomination was confirmed the same day. On the 27th of January, 1864, Brig. Gen. A. R. Lawton was nominated to the Senate to be Quartermaster-General, "to rank as brigadier-general from April 13, 1861, the date of his confirmation to that grade by the Provisional Congress."

On the 17th of February, 1864, the Senate passed the following resolution:

Resolved, That the Senate advise and consent to the appointment of A. R. Lawton to be Quartermaster-General, to take rank from the date of confirmation.

The several acts of Congress under which these appointments were made are the following:

Act of 26th of February, 1861, for the establishment and organization of a general staff, section 3:

That the Quartermaster-General's Department shall consist of one Quartermaster-General with the rank of colonel, six quartermasters with the rank of major; and as many assistant quartermasters as may from time to time be required by the service may be detailed by the War Department from the subalterns of the line.

Same act, section 6:

That the officers of the Adjutant-General's, Quartermaster-General's, and Commissary-General's Departments, though eligible to command, according to the rank they hold in the Army of the Confederate States of America, shall not assume command of troops unless put on duty under orders which specially so direct by authority of the President.

Amendatory act of 14th of March, 1861, section 3:

That the Quartermaster-General's Department shall consist of one Quartermaster-General with the rank of colonel, one assistant quartermaster-general with

the rank of lieutenant-colonel, four assistant quartermasters with the rank of major, and such other officers in that department as are already provided by law.

Act of 20th of March, 1863:

That from and after the passage of this act the rank, pay, and allowances attached to the office of Quartermaster-General of the Army of the Confederate States shall be those of a brigadier-general in the Provisional Army.

Two views have been taken as to the proper construction of the act of 26th of February, 1861, for the establishment of a general staff, and the amendatory act of 14th of March, 1861:

First. That they create a distinct and separate office of Quartermaster-General, to which in every instance an appointment must be made, and to which the rank of colonel is annexed. If this view be correct, then the nomination and appointment of Colonel Myers, on the 15th of February, 1862, must be understood as a nomination and appointment to the office of Quartermaster-General with the rank of colonel *ut res magis valeat quam pereat*, because only so understood was the action of the President and Senate in conformity with the law. This appointment was made under the Provisional Government, and by the terms of the Constitution of the Confederate States could continue only until his successor was appointed. (Constitution, Art. VI, clause 1.) Upon the appointment, therefore, of General Lawton upon the 27th of January, 1864, assuming that to be duly and lawfully made, Colonel Myers was displaced from the office of Quartermaster-General; and as that was the only office which he held, it follows, of course, that he is no longer in the Army of the Confederate States.

Second. That the acts aforesaid did not create a distinct office of Quartermaster-General, but merely a post of duty to which any officer of the Army might be assigned, and afterward withdrawn and assigned to other duties at the discretion of the President. If this view be correct, then the nomination and appointment of Colonel Myers on the 15th of February, 1862, must be understood to be an appointment to be colonel in the Quartermaster's Department and an assignment to duty as Quartermaster-General. And this view is thought to be sustained by the provisions of the sixth section of the act of 26th of February, 1861, authorizing the President to assign officers of the Quartermaster's Department to duty in the line of the Army, and by those of the eighth and twenty-sixth sections of the act of the 6th of March, 1861, "For the establishment and organization of the Army of the Confederate States," and the second section of the amendatory act of May 16, 1861, which authorize the President to assign officers of the line, even the highest, to staff or other duties at his discretion. Conceding this view to be the true one, its effect, so far as the Quartermaster-General is concerned, will be to make the acts for the organization of the staff to read as follows:

There shall be one colonel in the Quartermaster's Department, who shall discharge the duties of Quartermaster-General, and who may be assigned to the command of troops by orders from the President specially so directing.

Then comes the act of 20th of March, 1863, which provides that the rank, pay, and allowances attached to the office of Quartermaster-General shall be those of brigadier-general. Now, the view of the organization of this department which we are now considering denies that there is any such distinct office as that of Quartermaster-General. What, then, is the intention of the act? It did not mean to place an additional officer in the Quartermaster's Department. Its language is not appropriate to that end. It speaks not of persons, but of

things; not of an officer, but of the rank, pay, and allowances to be attached to a certain office. If such had been its object, it would have followed the style of the former act, and have declared that the Quartermaster-General's Department "shall consist of one Quartermaster-General, with the rank, pay, and allowances of a brigadier-general, one assistant quartermaster-general, with the rank of colonel, &c." I think the true meaning is, not to add to the force of the Quartermaster's Department, but simply to increase the rank, pay, and allowances of the highest officer in it. It is as if the act had said, "that hereafter the highest officer in the Quartermaster's Department shall be a brigadier-general, instead of a colonel, as heretofore." And the necessary result is to abolish the office of colonel in that department, and to substitute for it that of brigadier-general. It makes no difference how this act was intended to operate, whether by elevating the then colonel to the grade of a brigadier-general, or by authorizing the President to appoint him or some one else to the higher grade. Either way the office of colonel is abolished. And as that was the only office held by Colonel Myers, it follows that he no longer holds any office in the Army.

Under the view first taken it still remains to inquire whether General Lawton has been duly and legally appointed Quartermaster-General. His nomination to the Senate was "to be Quartermaster-General, to rank as brigadier-general from April 13, 1861;" and he was confirmed "to take rank from the date of confirmation."

An important question of constitutional construction is presented. Is it within the functions of the Senate to diminish the rank assigned in the nomination of an officer? That the Senate cannot add to the rank so assigned is admitted. It cannot originate an appointment. It has no part of the nominating power. That is intrusted solely to the President. The constitutional action of the Senate is confined to an affirmation or rejection of the President's nomination.

It was upon these principles that Coxe's case was decided by Attorney-General B. F. Butler. On the 7th of February, 1837, the President of the United States nominated Coxe "to be a lieutenant in the Navy from this date." The Senate adopted the following resolution:

Resolved, That the Senate advise and consent to the nomination of John R. Coxe to be a lieutenant in the Navy, to take rank next after Lieutenant Elisha Peck.

The effect of the appointment according to the confirmation of the Senate would have been to place Coxe on the register above 162 lieutenants.

The Attorney-General, upon a reference of the question to him, decided that Coxe could not be commissioned at all. Not according to the nomination, because that had not been confirmed; not according to the confirmation, because the Senate had exceeded its powers.

In this opinion I fully concur. The case did not call for a decision of the other question, whether the Senate can diminish the rank assigned in a nomination, and so far as the Attorney-General's reasoning intimated any opinion upon that point it was an *obiter dictum*. It is not a ruling precedent; but there is a precedent in point which is cited in the same opinion:

On the 4th of May, 1822, President Monroe nominated Colonels House and Fenwick and Major Eustis for promotion in the Army, with dates of rank in each case from a prior day specified in the nomination. On the 8th of May, 1822, the Senate acted on these nominations. In each case the question was divided, and the vote taken first on the proposed nomination, and then on the date of

rank. The former was decided in the affirmative, and the latter in the negative. The President, as I learn from the Adjutant-General, must have regarded the action of the Senate as complete, because he issued the commissions in conformity to the decision of that body. Nothing being said as to the date of rank in the commissions, the officers receiving them of course took rank from their appointments. (See Opinions of Attorneys-General U. S., 3–190.)

Mr. Butler adds:

These cases would seem to show that in the judgment of the Senate and of President Monroe, the date and rank may be separated from the office itself. This, perhaps, may be done where the President nominates, as in the cases referred to, with rank from a prior day, and the Senate strikes out the rank altogether, thus reducing it to the date of the appointment.—*Ibid.*

In exact conformity with this precedent has been the action of the President and Senate of the Confederate States in the case of General Lawton. In a former opinion I have had occasion to declare that I would be reluctant to advise any departure from settled practice, or respectable precedents, in appointments to office, unless impelled by an imperative sense of duty to the Constitution. Such cases can seldom or never constitute a *lis pendens*, so as to present the questions arising in them for judicial determination; and unless practice and precedents are to have the weight of authority nothing can ever be settled. There can be no uniformity of action, and frequent and painful conflicts may arise between the President and the Senate. I find nothing in the Constitution militating against these precedents, and a well-settled principle of law sustaining them. *Omne majus continet in se minus* is not less a maxim of law than a conclusion of logic, and is of familiar application in many cases. Thus, the Constitution of the Confederate States, following that of the United States, gives to the President the power to pardon offenses; and upon this principle it has been held without question, from the earliest time, that the President is not compelled to exercise the full power, but may remit a portion only of the sentence. So a power in a settlement to lease for twenty-one years is well executed by granting a lease for fourteen years. (3 M. and S., 382.) So where there is a custom within a manor that copyhold lands may be granted in fee simple, a grant for any less estate will be upheld under the custom; and so where an act done under a power is greater than the power authorizes, it will be held good to the extent of the power; as, where there is a power to lease for ten years and a lease is granted for twenty years, it will be held in equity to be a good lease for ten years under the power. (Woodf. L. and I., 32.)

Upon this principle a nomination to take rank from the date of confirmation is necessarily contained in a nomination to take rank from a prior day. Where the Senate adds to the nomination a rank not given by it, it goes beyond the act of the President and originates a nomination; but when it cuts down the rank from a prior date to the date of confirmation, it adopts a portion of the act of the President, and it is to that extent the nomination of the President and the confirmation of the Senate. And when the minds of the President and Senate have met, and the appointment is made in conformity with the confirmation, I see no good reason why it should not be valid. I would have more hesitation in adopting this conclusion if the action of the Senate were binding upon the President; but it is not. Nomination and confirmation together do not make an appointment. Confirmation is merely the expression of the Senate's assent that the appointment may be made. The appointment still remains to be

made, and that must be the voluntary act of the President. He may make it according to the confirmation of the Senate, or he may withhold it and send in a new nomination. (Marbury *vs.* Madison, 1 Cranch, 137.)

I think, therefore, that the appointment of General Lawton to be Quartermaster-General has been duly and legally made.

GEO. DAVIS,
Attorney-General.

[First indorsement.]

JUNE 2, 1864.

Respectfully submitted for the information of the President.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

Returned to the Secretary of War.
The opinion closes case.

J. D

[APRIL 26, 1864.—For Davis to Murrah about the relief of certain counties in Texas from the operation of the acts of conscription, see Series I, Vol. LIII, p. 985.]

RICHMOND, VA., *April 27, 1864.*

Hon. JACOB THOMPSON:

SIR: Confiding special trust in your zeal, discretion, and patriotism, I hereby direct you to proceed at once to Canada, there to carry out such instructions as you have received from me verbally in such manner as shall seem most likely to conduce to the furtherance of the interests of the Confederate States of America which have been intrusted to you.*

Very respectfully and truly, yours,

JEFFERSON DAVIS.

(Similar letter to Hon. C. C. Clay, jr.)

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, April 27, 1864.

His Excellency President DAVIS:

DEAR SIR: With the assent of my predecessor and with my approbation since I came into office several gentlemen who had been drill officers in the conscript camp at Talladega were allowed permission to raise companies of boys between sixteen and eighteen years old. Ten companies have thus been raised, and most of them have been in the Confederate service for four or five months. They were all raised before the passage of the recent law requiring the enrollment of these young men. This battalion or regiment has for its officers, field and company, Maj. J. L. Davidson, Capts. B. F. Yniestra, James A. McCaw, J. L. Walthall, and R. H. Redwood, and Lieuts. H. H. Foy, W. H. Kelly, Theo. Bethea, R. T. Norred, W. H. King, Richard Neely, and John W. Simmons. All of them had been drill-masters at Talladega with the rank of lieutenants, first and second. The separate compa-

*For Thompson to Benjamin, December 3, 1864, reporting operations, &c., see Series I, Vol. XLIII, Part II, p. 930.

nies were first organized and were placed on detached duty, and some months since they were formed into a battalion of seven or eight companies and elected their field officers. I understand there are now ten companies. The authority of General Pillow was given to raise these companies. The young men composing the companies are of the very best material, many of them sons of the most influential citizens of the State. They are now as well drilled as veteran soldiers. I have been informed that it is in contemplation to disband these companies and turn them over to the conscript officers, and the young officers themselves, all of whom have seen actual service in the field, will be turned over likewise to the conscript officers for enrollment. I would regard such action as a great calamity—one doing the grossest injustice to the officers and young men who compose the battalion or regiment. Although these men were all mustered into the Confederate service, yet, inasmuch as at the time of their organization the men were all a part of the State militia force, over which the Confederate States had no control except through a call on the Governor, I have regarded them as a part of the State troops in the service of the Confederacy.

Now, I ask that this organization shall not be broken up; that the officers, field and company, may be permitted to remain and receive their commissions. The most patriotic motives prompted these young men to volunteer before any law made them liable to Confederate service. They volunteered under promise given them that they would be received into the Confederate service with the officers of their own choosing. The officers they have selected are all gentlemen of education and high qualifications as officers. No better organization exists in our service. For two or more months they have been stationed at Selma doing regular duty. To break up their organization would do them injustice and produce great dissatisfaction among our best people. I cannot believe the facts were known or it would never have entered the head of the War Department to interfere with them. I have had no correspondence with the Secretary of War on this subject and may be misinformed as to the intentions of the War Department. I, however, appeal to you as the Commander-in-Chief in behalf of these young officers and men.

I have the honor to remain, with great regard, your friend and obedient servant,

T. H. WATTS,
Governor of Alabama.

[First indorsement.]

SECRETARY OF WAR:

In this case, as stated, it would seem proper to receive the companies as organized either in the reserve or active force. If you should upon examination concur, please have the necessary orders given and respond to the Governor's letter. Otherwise return the letter to me with objections.

J. D.

[Second indorsement.]

MAY 6, 1864.

ADJUTANT-GENERAL:

Order the organization here to be retained and considered part of the reserve forces. The great majority must be too young for field service as regulars.

J. A. S.,
Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., April 28, 1864.

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

SIR: I have the honor to submit to you the following report of the operations of this Department:

In the brief period since my last report the inclemency of the season has enforced comparative inaction on the armies in the field. Operations on our part have been mainly defensive, but have been varied by some brilliant affairs of an offensive character, executed generally by cavalry detachments. The enemy have essayed several serious invasions and various marauding incursions. The results have been almost invariably honorable to our arms.

The large force thrown into Mississippi, with the purpose of marching to the attack of Mobile, expended itself along less than a third of its contemplated course in discreditable ravages against non-combatants and hasty damages of the railroads, speedily repaired. A decisive repulse of the formidable cavalry column designed to co-operate with them from Tennessee, by not half its force of recently recruited men, under the bold leadership of General Forrest, followed; and then at the first intimation of the assembling of a force adequate to encounter them, the main army, some 25,000 or 30,000 strong, beat a hasty retreat. Their whole plan of campaign was effectually broken up, and besides the losses sustained in men and material, by straggling and capture, their troops returned exhausted and discouraged to their strongholds, whence they have not ventured since to emerge.

More signal disaster punished their invasion to subjugate Florida. They were met promptly and gallantly by General Finegan, with a smaller number of hastily collected troops, and completely defeated, with heavy loss and utter rout, in the decisive battle of Olustee. Driven back to the protection of their ships of war, they received large re-enforcements, and for a time threatened the renewal of their invasion, but their most bloody experience of the prowess of our forces, and the great consequent discouragement of their troops, doubtless induced despair of success. They have since withdrawn nearly their entire force and relinquished as desperate the invasion of a State so courageously defended.

Various raids of the enemy have been made by cavalry, generally in indefensible portions of the Confederacy, and for the most part for purposes of mere rapine and destruction. They have been conducted with a precipitation most wasteful to their men and animals, and indicative of constant apprehension, but have been marked by a malignant spirit and practices of infamy and barbarity that would have disgraced brigands or savages. Their warfare has been almost exclusively on peaceful citizens, and their avowed object has been the destruction of private property; the taking off of the slaves, even by force; the waste of stores and the means of subsistence; the destruction of animals and implements of husbandry, and the privation of all means of future production and support to the whole people.

The most important of these raids, undertaken with an unusual force and a special aim, surpassed even their many inhuman enterprises in the atrocity of its discovered designs. It was avowed as an effort, with 5,000 picked horsemen, sustained by light artillery, to seize and hold temporarily the Capital of the Confederacy, and to liberate the large number of their prisoners held in its vicinity. Our

pickets had been thinned by the withdrawal of our cavalry for recruitment and supply, and the enemy succeeded in starting, without observation, on their enterprise, but it was conducted with a timidity and feebleness that were in ludicrous contrast with the boldness of the conception and the extent of their means. Fifteen hundred of their number detached to Charlottesville, for the double purpose of destroying our railroad communications and distracting attention by varied attacks, with a view of subsequently reuniting with the main column, were easily repulsed by a mere handful of half-armed artillerymen with a single gun when in a few miles of their contemplated prize of Charlottesville, and compelled to fly affrighted back to their main army. Another detachment of some thousand men, under an officer (Colonel Dahlgren) deemed by them one of especial merit, was sent across the country to pass some distance above the city to the south of the James, and coming rapidly on that side, where there was least reason to expect a defensive force, and near which, on an island, were the greater portion of the prisoners, to aid in a combined attack to be made on the north side by the great body of the troops under General Kilpatrick, esteemed among their most enterprising generals. Dahlgren marked his course to the river, unimpeded by any hostile force, only by ravage and incendiarism, but failed wholly to effect a crossing, and sought to cover the timidity that shrank from trying a doubtful ford by an act of savage vengeance on his negro guide, who indeed well merited his fate, but not at the hands of the enemy, for his treachery to an indulgent master and his attempted services to a cruel foe. Baffled in this part of his plan, he hastened toward the city on the north side of the river to unite with Kilpatrick in his proposed attack. Meantime, some hours before his arrival, that attack had been made by the great body of the forces under Kilpatrick, and repulsed, by only a few hundred men on one of the outer lines of the city defenses, with such ease as, but for the limited number engaged, would almost have deprived the victory of glory. Kilpatrick retired baffled, to find another opportunity, if not to beat a retreat. Later, near night, Dahlgren approached on the road from the west, down the river, and encountered a few miles from the city the most advanced battalion of our forces, which happened to be of the local reserves, and to be composed of clerks, recently organized and untried in war. This, too, was in the open field, without defenses of any kind. Yet the charge of this select body of the enemy's cavalry, in superior numbers, was speedily repelled, and they driven off in ignominious flight. Their only purpose seemed escape, but as they hastily pursued after the retreating column of Kilpatrick they learned that he, too, had been attacked in the night and his force dispersed. This gallant deed had been done by General Hampton. He, approaching with about 400 cavalry, hastily summoned to the aid of the city, had been apprised of the locality of the enemy by Col. Bradley T. Johnson, who, with a small party of horsemen, had been for many hours courageously scouting around and skirmishing with their forces. Despite his insignificant force General Hampton at once charged the enemy in his camp, and after a brief struggle routed them, capturing many men and horses. Being too weak to pursue, he was compelled to allow them to escape with impunity, but their only thought afterward seemed to be of rapid flight, and the next day they found a refuge in a supporting force of cavalry that had been sent up the peninsula to their relief. Startled by the intelligence of this disaster, Dahlgren's men seem,

many, to have scattered, finding their way to Kilpatrick's column, while their leader with some hundreds of his choice men crossed the Pamunkey, with the hope of evading Hampton and escaping across the country to Gloucester Point. In King and Queen they were encountered by some few furloughed cavalry and a local company, hurriedly summoned for pursuit. Ambuscaded by them, Colonel Dahlgren and a few of his men were killed, and the residue of the force under his command speedily surrendered as prisoners. Thus ingloriously and disastrously terminated an expedition inaugurated with formidable forces and with high anticipations of great results. But the disgrace of failure was exceeded by the infamy of the base designs of the expedition. On the body of Colonel Dahlgren, the chosen and specially trusted leader, were found copies of the plan and purposes of the expedition, and the original of his address to his soldiers on starting. These disclosed, unequivocally, the nefarious purpose, after liberating their prisoners, to turn them loose, armed, and maddened by privation and every evil passion, and by them, with the aid and under the protection of the embodied forces, to sack, burn, and destroy the city, and to kill the President and the leading authorities of the Confederate Government. The dullest sensibility will sicken and revolt at the horrible brutalities and atrocities that must have attended such a carnival of crime. The perpetration of such deeds by an infuriated soldiery, under all the fierce impulses of a sanguinary struggle and in the flush of triumph, is by all nations felt to be a reproach on the character and humanity of man; but that such horrors should have been deliberately planned and ordered by the authorities of any people professing to be civilized and Christian, must inflict an indelible stigma of hypocrisy and infamy. Such fell designs might seem almost incredible of any other people, but they are supported by irrefragable evidence in the possession of the papers themselves, with conclusive indications, internal and external, of their authenticity. It is only the culmination of many inferior exhibitions of like malignity and atrocity. The captives taken in the abortive effort to perpetrate these or like atrocities must be admitted to have forfeited all rights to the privileges of civilized warfare, and might well be punished by their intended victims as the worst of criminals; but it has been thought to comport more with the dignity and self-command of an enlightened Government, as well as to be more consistent with the humanity, clemency, and Christianity that has, throughout this war, characterized our people and authorities, not to mete out bloody retaliation on the subordinate instruments of an infamous Government, but to consign them for retribution to the reprobation of outraged Christendom and the lasting stigma of recording history.

Our armies in the field are believed to be in excellent condition and spirits. Inured to war and practiced in habits of endurance, they have passed through the exposure and privations of the winter and inclement spring with remarkable health and content. Animated by an invincible resolution not to be subdued, and a zeal of patriotic self-devotion beyond all praise, they have almost universally re-enlisted for the war, and voluntarily renewed the pledge of their all—their property, their labor, and themselves—to the sacred cause of the safety and independence of the country. They have reacted on the people everywhere, encouraging the bold and shaming the timid to a more confident reliance on a future of success, and have effectually hushed the whisperings of despondency or disaffection. They were

never more confident and reliant on themselves and their commanders, and relatively, as is believed, more nearly than heretofore approximating the number of their enemies, they await with assurance and ardor the shock of the coming campaign.

The measures of legislation to secure meritorious officers and repress irregularities and desertion have operated beneficially on the discipline and morale of the Army. Thorough organization may not yet have been attained in forces which had to be suddenly and provisionally organized, but steady advance is being made to the attainment of the utmost discipline and efficiency. The recent assignment at the Capital of a supervising commander of all the armies, besides promoting the harmony and consistency of military movements, has brought to aid in the work of organization the experience, known administrative capacity, and acknowledged abilities of one of our leading generals, and may be expected to prove productive of salutary results.

Some deficiencies of organization yet require amendatory legislation. The staff, affording to the quick intelligence of the general his perceptive and administrative faculties, should be constituted of the best material, have the highest attainable experience and qualifications, and be animated by strong incentives to activity and improvement. Unfortunately, in our Army it has not enjoyed the repute, nor, perhaps in consequence, commanded the merits desirable for its efficiency. From unavoidable circumstances, probably, the staff has been too much the object of favoritism through the recommendations on behalf of personal friends, or the refuge of supernumeraries and those by non-election or otherwise thrown out of the line of regular service. They have come to be considered in some measure as attachés to the persons and fortunes of their respective generals, rather than as officers selected for peculiar qualifications and assigned to special duties. In consequence of this kind of estimation, probably, they have not been allowed rank consistent with their importance or regulated appropriately by the standard of merit. These evils it is most desirable to remove, and it is respectfully suggested that the remedy may be found in organizing the respective departments of the staff into separate corps, with proper gradations in rank, and in affording the incentive of advance on the exhibition of qualifications or superior merit. Some increase in the numbers to be attached to the larger commands of the Army, as well as the proposed advance in rank, would also seem advisable. This is, indeed, almost a necessity in relation to the commissary and quartermaster branches of the staff service. The law has never made direct provision for the appointment of such officers to organizations larger than brigades. Experience has demonstrated them to be essential not only to the Army as a whole, to assure harmony and unity to its movements and due distribution of supplies, but likewise, from similar reasons, to corps and divisions, which not infrequently have to act independently and at wide intervals of distance. In consequence there has been no alternative but for the general in command, or the Department, to withdraw and assign, by detail from their proper brigades, the quartermasters and commissaries indispensable to the larger organizations of the Army. Such assignments have rendered oftentimes imperative the appointment of other officers of the same branch of service to the destitute brigades; and thus indirectly, and with only the rank and legal assignment of brigade officers, have these essential officers of the staff been secured to the

divisions, corps, and armies in the field. This has been so well understood that in one of the acts of Congress there has been implied sanction by reference to such division and corps officers. Still, action in such cases, without more direct authorization of law, is always embarrassing to the Department, and not incapable of mischievous effects in the establishment of precedents, and it is earnestly recommended that such appointments be directly sanctioned by law.

In another particular respecting the appointment of quartermasters and commissaries it is desirable the law should be made more explicit. The only authority for the appointment of these officers, not for commands in the field, but for the general service of the bureaus, is conferred by the act of the 15th day of February, 1862, which provides:

> That in addition to the number of quartermasters, assistant quartermasters, commissaries, and assistant commissaries now allowed by law, the President shall have authority to appoint as many of said officers as shall in his discretion be deemed necessary at permanent posts and depots.

This seems to contemplate that the officers of this class for the general service are only required at posts and depots. and are expected to be stationary there; but in reality there is an imperative necessity for a greater number to be distributed and actively engaged in all parts of the Confederacy, purchasing, accumulating, and moving supplies, and supervising the administration of the extended operations of the commissary and quartermaster's service. As such officers are all remotely connected with and report to the respective bureaus stationed at the Capital, or more immediately to a superior officer at some post or depot, the above act was, from an early period after its passage, construed to authorize the appointment of as many quartermasters and commissaries as the necessities of the general service demanded, and such has been the continued practice of the Department. Doubt may, however, exist whether this be not a latitude of construction dictated rather by the necessity of the case than justified by the language and original conception of the act. The law should explicitly confer a power of appointment coextensive with the needs of the service, for the exercise of a questionable right of appointment is always to be deprecated. In such matters encroachment is facile and precedents dangerous, and as little latitude to excess as practicable should be left by the law-makers.

On another point of more importance ambiguity exists, which should be corrected by more explicit legislation. It is in relation to the appointment and tenure of office of the general officers of the Provisional Army. The system pervading the organization of the Provisional Army does not allow the appointment of officers at large assignable to any command appropriate to their grade of rank, but only of the officers of each special organization, on the legal continuance of which their commissions are dependent. This is clear as to the company and field officers, as may be illustrated by the fact that such officer of a company or regiment is not a captain or colonel at large of the Provisional Army, but only the captain or colonel of his particular company or regiment. The disbandment or termination of the service of such special organization loses the officers their commissions. The same principle of organization seems to have been originally contemplated in the provision by the act of the Provisional Congress of the 6th of March, 1861, for the appointment of general officers to brigades and divisions, and by analogy, as is presumable, likewise to the commanders of corps when they were authorized. It

would thus have resulted that appointments of general officers could only be made to special brigades, divisions, or corps, and that if any general officer was either wounded, incapacitated temporarily, or otherwise withdrawn from his special command, no successor could be appointed; and that on any brigade, division, or corps being broken up or radically changed by the diversion or redistribution of its component parts, the general officer would go out of commission. The inconveniences and hardships hence resulting were so great and manifest that, although in the first instance a disposition was manifested by the Executive to maintain this scheme of appointment and tenure of office, almost of necessity it had to be practically overlooked in the many changes inevitable in the composition of such large organizations, and general officers came to be assignable from one brigade to another, or, to secure an actual commander in the field in case of temporary disability of the general officer previously commanding, from capture, wounds, or other temporary cause, were appointed for the destitute organizations. This came to be recognized and acted on as a necessity by Congress, as well as the Executive, and to obviate the inconveniences or embarrassments which might result from a deficiency in the number of general officers, the act of the 13th of October, 1862, was adopted. This act provides "that the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint twenty general officers in the Provisional Army, and to assign them to such appropriate duties as he may deem expedient." Under this law there is no doubt that the Executive may appoint, to a number not exceeding twenty, general officers of the Provisional Army at large, who may be assignable to any command or duty appropriate to their rank, whose commissions are not contingent on their special commands. As thus a number of supernumerary officers, not exceeding twenty in number, were authorized, it was considered, by construction, to obviate, so long as that number was not exceeded, any obligation of discharging such general officers as were, from any changes of the service or otherwise, thrown out of their special commands, and to allow even those originally appointed to such special commands, by being considered as among this number of supernumeraries, to be assigned to any other appropriate duties or commands. On these points, however, well-founded doubts exist, since the original appointments may perhaps more justly determine whether the general officer be the officer of a special command, dependent on its continuance, or be one of the supernumerary class assignable at will. Such construction, however sustainable by the language and apparent contemplation of the law, would be both unjust and mischievous. Very many of the most capable general officers in the service, oftentimes because of their superior merits selected for other more important stations, under the changes of the service are no longer attached to the special commands for which they were appointed, and successors have replaced them, or in the distribution of forces their original organizations have been broken up. Shall they be thrown out of commission and deprived of commands? Nor would the injustice be more than partially remedied by placing them among the supernumerary class, since for that a new appointment would be necessary, which would deprive them of their original date, and postpone them to all juniors previously in commission. On the other hand, if those originally appointed as supernumeraries are always to be considered as of that class, and not on assignment to a particular command to hold the relation of a commander originally appointed

for it, the number allowed by the law would be at once exceeded without meeting the deficiencies of the service. An invidious distinction would be established between officers of the same grade in the Provisional Army, founded solely on the accident of appointment, which could not fail to be prolific of jealousies, rivalries, and discontents.

In view of the whole subject, it is recommended that all general officers of the Provisional Army, like the supernumeraries, be made independent of their commands, and assignable, according to rank, to any appropriate command or duty.

A slight extension of the power of appointing chaplains for the Army is likewise desirable. There is, happily, a large religious element and much devotional feeling in our Army, which every consideration of policy, no less than grateful duty, requires should be consulted and fostered. At present, chaplains can only be appointed to posts and regiments. Now, the men of one of the most important branches of service, the artillery, are not regimentally organized, but formed either in detached companies or arranged in battalions. Hence to them cannot be afforded the guidance or consolations of religious ministry. It is suggested that a chaplain should be allowed to every ten detached companies, or to two battalions, when so situated as to permit to them a common ministration.

The act of the late Congress for retiring disabled officers and men has been put in execution, and is working beneficially for the Army. Its provisions, however, do not seem to have been commensurate with the claims of equity and gratitude due to the gallant soldiers who have been shattered in health or maimed by the exposures and wounds of service. It is confined in its operation only to such as are still on the rolls of the Army, and has no respect to those who may have been, by resignation or otherwise, heretofore put out of service. No adequate cause, either in reason or justice, can be perceived for such limitation. Indeed, on the score of merit, the cases of those who had continued, while incapable of active duty in the field, on sick leave, or in positions of light duty, rather cumbering than aiding the service, appear less entitled to consideration than those more disinterested officers who sacrificed their commissions, often their sole dependence, from honorable sensibility, lest they should block the promotion of the inferior officers on whom their duties had been cast. Not a few cases of this kind have been known to the Department, in which the acceptance of the resignation, while constrained by the interest of the service, has been done with pain and regret at the necessity of allowing the self-sacrifice which a sense of honor imposed on the gallant officer. The sole consideration which can exist to prevent the extension to all such resigned officers of the privileges accorded by the act to those still in service, is the ungracious one of economy, which, in a liberal view, would be as inapplicable from true policy as from a due regard to the sentiment of justice and gratitude involved. As very many of these disabled and scarred veterans are still capable of much service at posts or other light duties, their restoration to rank would probably prove much more a gain than a burden to the country, while it would manifest grateful appreciation and secure some partial provision for the honored sufferers of our campaigns. It is, therefore, earnestly recommended that the privileges of the act be extended to embrace those who, from like causes of disability or wounds in service, have heretofore resigned or been discharged.

The corps of engineer troops authorized by the late Congress, after not a few impediments and delays resulting from the reluctance of commanders to part with, by details, their veterans from the line, have at last been organized in the main of new material, and have been provided with the requisite trains and implements of service. They have been the object of special interest and care to the able head of the Engineer Bureau, and to his intelligent supervision and persistent efforts are mainly due their efficient organization and complete provision. They are composed for the most part of picked men, and embody many valuable mechanics and skilled laborers, who, guided by the intelligence and experience of officers selected from their peculiar qualifications and training as engineers, cannot fail to prove eminently advantageous in facilitating the movements and providing the defenses of our armies. Their merits and value are already warmly appreciated and acknowledged by the generals who have enjoyed the advantages of their services, and it is not doubted they will so advance, with increased experience and practice, in estimation and utility, as to fully vindicate the wisdom of their organization.

The boards of examination, the military courts, and the provisions of the late law allowing officers to be dropped on the recommendation of commanding generals, are operating favorably on the discipline and efficiency of the Army. Grave doubts have, however, been expressed by one of our most distinguished generals whether changes by a law of the late session in relation to the military courts have not so closely assimilated them, in the necessity of referring charges and having them reviewed in each case by the commanding general, to general courts-martial as to have diminished their efficiency in facilitating the dispatch of cases and promptitude of punishment. Modification of the law in these respects is therefore respectfully suggested. Indeed, the mass of business cast on the reviewing authorities—the commanding general, the Department, and the President—by these various modes of removing incompetency and punishing offenses, cannot be dispatched without neglecting other duties of higher import. The responsibilities, however, entailed are of so grave and delicate a character, and involve so much of personal discretion, that they cannot be discarded or consigned to others. Remedial legislation in these particulars is urgently demanded. It is with deference suggested that an officer, to be connected with the Adjutant-General's Bureau, and to be designated the Judge-Advocate-General, with the rank at least of colonel, to be aided by assistants, one to be with the commanding general of each separate army in the field, with the rank at least of lieutenant-colonel, be authorized, whose duty it shall be to review in the first instance all the sentences of the military courts, courts-martial, and examining boards, with the right of appeal within a limited time, where the cases were tried in the field and the sentence deprived the accused of either commission or life. This appeal might be first to the general commanding, who might either decide it finally or suspend execution and refer it, through the Judge-Advocate-General, to the Department, to be decided by it, or, at its discretion, submitted to the President. In all cases not arising and tried with an army in the field, the review might be, in the first instance, by the Judge-Advocate-General, subject to the right of like appeal, when life or commission was the forfeiture of the sentence, to the Department, which should either decide or submit to the President. Of course, the privilege of interposing by Executive clemency, vested in

the President, would remain unaffected, and application in appropriate form might be made to him in all cases. By the plan proposed, or some similar one, all venial cases and a large proportion of grave ones would be disposed of without burdening the commanding general or the Department. So only those of special gravity would come to the Department, or claim the action of the President, while the gracious prerogative of mercy would in all be preserved to him. Promptitude and certainty in the disposition of all cases would be reconciled with due consideration and full revision.

More important advantage to the service, it is believed, would result from the extension of the power now intrusted to the Executive, of assigning to commands, with temporary rank, officers of the Confederate Army, to officers likewise of the Provisional Army. The power has been both useful and convenient with respect to the former, and the considerations that recommend it apply with daily increasing force to officers of the Provisional Army. In the service, the power of promptly rewarding and advancing decided merit presents an invaluable incentive to improvement and the display of high qualities. The right, too, of selecting from all ranks or branches of the service, without being restricted by the gradation of permanent rank, the officers who may have shown qualities eminently adapting them for special commands, must conduce greatly to the development and command of the highest qualifications of leadership. Surprise has not unfrequently been felt and expressed that, though happily blessed with not a few generals distinguished alike by skill and success, yet with our armies, composed in large degree of such intelligent and cultivated men, and characterized by such high courage and proclivities for war, more of conspicuous ability and military genius have not been elicited and displayed. That these rare and inestimable gifts exist latent within our armies cannot be doubted, but our system, especially in the Provisional Army, has not been calculated to foster or discover them. Officers are in that army made strictly dependent on and confined to limited organizations in special branches of the service, and, whatever their peculiar qualifications, cannot be permanently assigned nor be advanced, save by the accident of promotion by seniority, or even on the display of distinguished valor and skill, except in their limited organizations. As the officers of the Provisional Army improve in experience and military attainments it becomes more and more important that they should not be confined to special branches of service, but have varied or enlarged spheres of action, so as to be prepared for more general commands, and that their special capacities should be utilized to the greatest advantage. Besides the benefits attained by temporary assignments, grave inconveniences would likewise be avoided. All advancements, when made, especially with officers not trained by military education or experience antecedent to the war, must necessarily be in large measure experimental and of doubtful results, and yet they are permanent, however unsuited or inefficient. Unless positively incompetent, the officers must remain in their new commands, scarce equal to their duties and incapable of inspiring confidence or enthusiasm, and yet often by their rank overshadowing or blocking the way to their superiors in all the endowments for command. It would have been far better to have tested, by temporary assignment, the qualities of the officer for the increased rank and command before he was irretrievably fixed in it. It is often found that an admirable captain proves unequal to the command of a regiment, or an accomplished colonel fails in the wider command of

a brigadier, and not unfrequently in even higher rank will the distinguished subordinate general prove inadequate to wider or independent command. The officer—especially in an army so improvised and hastily organized—should be tested and approved in each important advance by command with temporary assignment before being permanently established in his increased grade. In short, the practice of such assignments would afford the highest incentives; would give enlarged experience and opportunities of display; would foster and elicit special merits and military genius, and would assure in permanent commands approved capacities.

Serious inconvenience has been caused officers in the field and much suffering in some instances to officers at posts by the late law giving but restricting the former to one ration and allowing the latter the privilege of purchasing only one. It is respectfully recommended that the law be so amended as to give officers in the field one ration, and to allow to all the privilege of purchase, subject to such regulations as may be imposed by the Department. This cannot possibly result in any injury to the public service, while the object of the late law will be attained, which was obviously to confer a benefit and not work a hardship.

In this connection it is appropriate to advert to the peculiar and rather anomalous provision of the existing law regulating the pay and allowances of general officers. No difference in these respects is made among them, with the sole exception (under the present exceptional rates of prices of trivial effect), that to the general actually commanding an army in the field there is an added allowance of $100 a month. No distinction otherwise in pay or allowances is made from a brigadier up to a general. As with increase of rank and command additional expenditures and charges are imposed, the simple consideration of justice would demand correspondingly increased pay and allowances. Equality in such cases is inequity, but, in addition, it is contrary to all experience and practice to have no consideration in compensation to increased dignity and more important service. A singular illustration of the present inequity of the law is presented by the fact that the veteran general recently assigned to the duty of directing, under the President, all our armies, and required to incur all the expenses of a residence at the capital, is deprived of the additional allowance he would have had as a general commanding an army in the field, and receives no more than the latest brigadier. It is surely only right that pay and allowances should have an appropriate relation to rank and extent of duties, entailing, as they must, larger expenditures, and it is confidently hoped that our general officers of the more advanced grades will not longer be enforced to the embarrassments, privations, and destitution of attendants by which, under the present compensation allowed and the restrictions on the subject of rations, in the midst of their anxieties and high responsibilities, they are now annoyed.

Attention is likewise called to the necessity for some adequate provision to defray the expenses of officers traveling under orders. The present allowances are insufficient to bear the charges, which no economy, or even parsimony, can avoid, and the inadequate pay of the officer little enables him to discharge such expenses. The simplest justice requires that at least the necessary expenses incurred in obedience to orders should be defrayed by the Government.

Some provision should likewise be made to compensate the commissioners directed to be appointed by the act suspending in certain

cases the writ of habeas corpus. The duties are of a delicate and responsible character, and the compensation should be liberal enough to engage the services of men of high character and intelligence.

The recent military bills increasing the range of conscription have engaged the constant attention and energetic efforts of the able head of the Conscript Bureau in their enforcement. His accompanying report, to which attention is invited, will exhibit results so far attained in recruiting the armies and at the same time explain the embarrassments and impediments which have hindered more rapid execution.* These have resulted very much from the necessity of examining the numerous claims presented for exemptions or details under the exceptions and avowed policy of the law, and from the difficulty of commanding the class and number of assistants and officers for the multifarious duties cast on the Bureau. Owing to the decadence of the volunteering spirit, a large proportion of those liable to enrollment prefer claims of exemption or detail which justice and a regard for the aims avowed in the law require to be investigated and decided. At the same time the omission of Congress to authorize the appointment of officers for enrolling service and the expectation that officers to be retired under the invalid bill would suffice by assignment for such duties have placed the conscription service under something like a temporary privation. The period of such transition from old to new agencies under the most favorable circumstances would have been embarrassing and retarding, but the delays have been increased by the necessity of awaiting the process of retiring officers under a contemporaneous law, which must inevitably be of slow and gradual execution. Even when such officers have been retired and can be commanded, they are new to their duties, and the retention of their full rank often makes it difficult to adjust them in appropriate relations with the few more experienced officers whom the laws had authorized to be appointed for the duties of conscription. This will readily be appreciated when it is recollected that the highest rank authorized for such service is that of major of a camp of instruction. It is earnestly recommended that power of appointing, with rank varying from a lieutenant to a colonel, for enrolling and for supervising conscription in each State, a limited number of competent officers, whether from the retired list or those having special training or qualifications for the duties, be conferred. The duties cast on the Conscript Bureau are multifarious and arduous, as well as of prime moment, and it surely is not unreasonable to ask the privilege of selecting and employing fitting instrumentalities for their accomplishment.

Another cause of some retardation in the execution of the laws of conscription results, necessarily, from the persistent policy of the Department to rely for its regular administration on the prestige of law and the support of intelligent public opinion to established authority, rather than on military coercion by sustaining forces. Thus, instead of the forced gathering up, as with a drag net, of all that come within prescribed ages, there is the accorded privilege of volunteering; thereafter enrollment, with due respect to the limitations of the law and the claims for exemption and details, and their appropriate assignment. As the regular administration of law is more tedious than the summary judgments of arbitrary authority, so this system sacrifices something of expedition to justice. But much greater advantages are,

*See p. 354.

it is believed, secured by the equity and certainty of execution, and by the reconcilement of the people to its severe requirements. Of course in some limited districts, where disaffection or desertion may have assembled open recusants to the law, the regular agencies employed have to be sustained by the local or regular forces. While so large a number of conscripts may not, under this system, be at once thrown into the Army, yet the continuous return of deserters and stragglers and the steady recruitment of our armies may be counted on to maintain and enhance their numbers and efficiency.

In natural connection with the maintenance of our armies the thought is attracted to the condition of numbers of our gallant soldiers now languishing in the prisons of the enemy. The sympathies of a grateful country are fixed upon them with the deepest interest, and the Department has but shared and responded to those feelings in making all the efforts consistent with dignity and honor for their relief and release. The protraction of their confinement has been due solely to the inhuman policy and perfidy of our enemies, whose Government has omitted and refused to maintain the faith pledged in the cartel of exchange. With the terms of that agreement our Government has ever been ready and earnest to comply, and in a variety of modes, even by an extraordinary mission of the second officer of the Government, has sought to re-establish its operation or to arrange satisfactory measures of exchange. Its remonstrances and its overtures have alike proved futile, and the Government of the United States must stand responsible before the world and in the sight of a just God for all the privations, sufferings, and loss of life by disease or otherwise entailed by confinement on the prisoners held on either side, not less on their own than on ours. The latest, among the shifts and subterfuges adopted by them to evade compliance with their plighted engagements, has been the selection, with the ostensible purpose of renewing exchanges, for the mission of treating on the subject with our authorities, of General Butler, the infamous author of so many atrocities in a former command as to have received the execration of the world, and to have been banned by the proclamation of the President with the name and character of an outlaw and a felon, to whom were to be extended none of the privileges of civilized warfare, but whose crimes, if he came into our power, were to be visited with the condign punishment of an infamous death. It may well excite surprise and indignation that the Government of the United States should select, for any position of dignity and command, a man so notoriously stigmatized by the common sentiment of enlightened nations. But it is not for us to deny their right to appreciate and select whom they may, not inappropriately perhaps, deem a fitting type and representative of their power and characteristics. While we maintain belligerent relations with them, we must, of course, recognize the official character of whatever officers they may empower to act within their own limits and within the sphere of their separate action. We must, therefore, recognize the fact of official position being held by such a character, and this was done, contemporaneously and subsequently to the issue of the President's proclamation, by our generals in the field, when compelled to necessary official relations with the Federal commander at New Orleans; but when option can be exercised by ourselves, and within the limits of our own territory or within the control of our armies, it is neither to be expected, nor would it comport with the honor or dignity of the Confederacy, that

an outlaw and a felon should be received and admitted to the courtesies or privileges of civilized warfare, or exempted from the liabilities of a criminal. It has held him up to the detestation of Christendom and obtained the answering award of moral condemnation from the tribunal of enlightened public sentiment everywhere. Within its limits, and wherever its power may enable it to execute justice, he has been and will be held an outlaw and a felon. To essay more would be mere *brutum fulmen* against the criminal, yet entail inconveniences to our own Government and injury to innocent victims of his malevolence. In this view, the Government has sought to regulate its action. It has not denied the power or position, however unworthily bestowed by his own Government on General Butler within their limits, but has refused to receive or admit him within ours. If an honest purpose of effecting exchanges, in compliance with the cartel or on equitable terms, be really entertained by the enemy, all the arrangements essential thereto may be readily attained consistently with the position thus justly held by our Government; while, if the selection was intended merely as a pretext of avoidance, or for the purpose of gratuitous offense, the hypocrisy of the one design or the malignity of the other will be exposed. Since this relation has been held some limited exchanges by indirect communication have been effected, and hopes are entertained, especially in view of the increased number of prisoners which recent successes have given us, that the inhuman policy and delusive pretenses of the enemy will be abandoned and the equitable stipulations of the cartel be again acknowledged and executed. Such consummation would thrill with emotions of gratification the whole population of the Confederacy, and bear relief and consolation to thousands of families throughout the land. For a fuller history and explanation of all the proceedings connected with the subject of exchange, reference is made and special attention invited to the accompanying report of Mr. Ould, our able commissioner of exchange.*

Since my last report the administrative operations of the respective bureaus have been conducted with ability and energy by the zealous officers in charge. They have had many difficulties to encounter from the fluctuating currency; from deficiency of supplies; from the withdrawal of workmen and imperfect means of transportation; yet despite of these and other impediments, they have, in all instances, it is believed, not only maintained, but have rather increased the efficiency and success of their varied working departments. One of their greatest embarrassments has resulted from the law of the late Congress prohibiting, under severe penalties, the employment or continuance in employment of any liable to military duty. As the operations of several of the most important bureaus required assistants as well as officers of great activity and energy, rarely to be found except in the prime of life, a large number of the most trusted and essential employés came within the prohibited classes. To dismiss them at once, without breaking up, at the most critical and important period, the operations of the essential bureaus of Subsistence, Supply, and Transportation, was plainly impossible. It became necessary, therefore, that the power of detail, which had been reposed, it is to be presumed, to guard against such, among other contingencies, should be exercised by the Department more liberally than would have been otherwise consistent with its views. Every exertion has, however,

*See Series II, Vol. VII, p. 103.

been made to restrict the details to the narrowest limits consistent with the continuance of efficient service in the bureaus, and they have not been made without strict scrutiny and assurance, as far as practicable, of their positive necessity. Instructions, too, have been given and efforts are being made to diminish gradually these details and to supply their places, as fast as substitutes can be found, from the disabled or infirm or from the reserve classes. The steadfast aim of the Department has been, and will continue to be, to place in our armies in active service every able-bodied man, liable to bear arms, between the ages of eighteen and forty-five. If such result be attained it cannot be doubted armies will be maintained as large as the resources of the country would, in consistency with the permanent welfare of the people, justify, and fully adequate to achieve and assure independence and peace.

Another embarrassment in the administrative departments has resulted from the limitation by law to the compensation allowed to detailed men from the armies, who are generally skilled workmen or experts, and withdrawn on that account. Only $3 a day is by the law allowed them, and at existing inordinate rates it is, in the places where their duties compel their presence, simply impossible for them to support life, much less secure reasonable comforts or aid their families. What adds to the grievance is, that to the foreigners and others working by their sides three or four times as much compensation has to be given to retain them in their employments. Some additional provision for such detailed men must be made, and it is suggested that at least support, quarters, and clothing be secured to them. It is impracticable to provide them by any fixed rate of pay, for in our exceptional circumstances the necessary amount would vary largely in different localities and in brief intervals of time. In this connection, too, it is not inappropriate again to invoke earnestly consideration to the wholly inadequate compensation afforded to the clerks and employés of the Department. The financial measures of the late Congress, it is hoped, will, in their full development, compel reduction of inflated prices, but as yet they have been inoperative to afford any relief. Without means other than their salaries it is impossible for the clerks to obtain bare subsistence. They are faithful and laborious officers, and every consideration of justice and policy demands that they should receive at least a fair support. With the fluctuation of prices this cannot easily be secured by a moderate compensation in currency. Provision should be made to supply them with rations and clothing, or a part of the funds appropriated for their pay being employed in the purchase and export of cotton, they should receive a limited proportion, say a third or fourth, of their salaries in sterling exchange.

The supply departments are experiencing increased difficulties from the scarcity existing in considerable portions of the Confederacy, and from the reluctance in all to sell under the expectation of advancing prices. The great resource is, and it is feared will have for some time at least to be, impressment. While it is certainly most desirable this mode of supply should be dispensed with, or at least made as equitable and regular as practicable, yet facility and rapidity of execution are indispensable. Some features of the late law regulating impressments, it is suggested with deference, retard and obstruct its operation, and might be modified to the great convenience of the Government and without serious prejudice to the citizen. The requirement, too, of

local appraisements, without appeal to a general arbiter, seems a very defective mode of securing only just compensation, and is rather calculated to stimulate grasping desires and to foment the discontents which always spring from inequality and diversity of prices. Such appraisements, it is submitted, do not afford a fair criterion of just compensation under the exceptional circumstances of the Confederacy. A much juster rule would be the cost of production with a fair profit thereon, to be determined by selected officers of undoubted probity and intelligence. Recurrence to such system of general regulation, rather than to the fluctuating estimates of local appraisers, is earnestly recommended. Some positive provision and some regular process of enforcement against citizens resisting or evading impressments are also desirable, as the law is now almost without the sanction of a penalty or a mode of legal execution. Military coercion is ever to be deprecated as a dependence for the administration of law.

The expediency of the tithe tax has been fully vindicated, as it has proved a most valuable resource for the subsistence of the armies and the most acceptable form of imposition on the producers. It should certainly be continued, and, in my judgment, on some leading articles of subsistence, such as meat, wheat, rice, and products of the sugar cane, should be increased. Some delays have arisen in its collection from the lack of adequate transportation, and from the want of harmony between the assessors and collectors. As the supervision of both classes of officers is now reposed in the same department, more unity of action may hereafter be expected. In the amendments made to the law, however, at the last session, too limited a time has, according to the judgment and experience of the officers charged with its execution, been allowed for collection before the privilege of commutation. That period is limited to five months only, within which all collections must be completed. With the means of transport and storage possessed, this is physically impracticable throughout the whole of the Confederacy. An extension of the period to at least eight months is therefore recommended.

Under the legislation of the late Congress efficient regulations have been adopted to make our great staples more available for providing funds and sustaining our credit abroad by exportation. Adequate precautions have, likewise, been taken to assure, on the export of these leading articles of commerce, when taken out of the Confederacy for private gain, fair returns of useful supplies for the Government and people. The period is yet too brief to allow full realization of the benefits to be expected from this policy, but enough is shown to vindicate its wisdom and call for its maintenance. It would be at once a great triumph over our enemies, and not an unprofitable lesson to neutral nations, that the malice of the former, as exhibited in their futile efforts, by a pretended blockade, to cut off the commerce of the Confederacy, and the stolid indifference of the latter to their violation of the law of nations and recent treaty stipulations, should, by the enhancement of prices consequently falling on consumers abroad, and especially their own people, prove the effective means of sustaining our credit and securing adequate supplies to the Confederacy. This is perfectly practicable by sufficient increase in the number of vessels, and by greater attention to affording facilities for evading the blockade, and rendering more directly the aid and countenance of the Government to the provision of the staples at the ports, and to the enlistment of private enterprise and capital in the trade.

The universal appreciation of the value of these great staples suggests the inquiry whether, as they cannot be exported at an approach to their production, they may not be employed within the Confederacy to maintain our internal as abroad they will our external credit. This subject belongs perhaps more appropriately to another department of the Administration, from whose matured thought and larger experience more reliable counsel may be obtained; but the great interest of this Department in utilizing all means of supply and securing acceptable securities for purchasing may excuse the suggestion. It is believed a plan might be devised by which the quantities of these great staples, which could be readily obtained for the Government, by the tithe and the exaction of the tax on them, as on gold in kind, rather than value, might be so disposed of as to provide a tempting mode of investment to capitalists, whether at home or abroad, and thus assure large available means for meeting the disbursements of the war, without the further issue of a redundant currency.

Of all the difficulties encountered by the administrative bureaus, perhaps the greatest has been the deficiency in transportation. With the coasting trade cut off and the command by the enemy, through their naval superiority, of all our great rivers, reliance for internal trade and communication has been necessarily on the railroads. These were never designed nor provided with means for the task now incumbent upon them. They have, besides, suffered much from inability to command the supplies of iron, implements, and machinery they habitually imported, and from many sacrifices and losses in the war. The deficiency of skilled labor has also been a great embarrassment, even in requisite repairs. It is impossible they can be maintained in efficiency, or that even the leading lines can be kept up, without the direct aid and interposition of the Government. Some of the shorter and least important roads must be sacrificed and the iron and machinery taken for the maintenance of the leading lines and for the construction of some essential and less exposed interior links of connection. They will also have to be supplied with sterling funds, or means of exporting our staples to command them, and facilities of purchasing and importing necessary supplies of machinery and the like. The Government will have to assist, by the construction of cars and locomotives, and to give facilities for procuring labor, and especially skilled labor, oftentimes even by details from the Army, in which, during the first stagnation of business attendant on the war, a very large proportion of the machinists and mechanics entered. It is recommended that by appropriate legislation aids in these various modes be authorized. In return for such privileges full command over all the resources and means of transport possessed by the roads whenever needed for the requirements of the Government should be established. It may be, indeed is, believed now to be absolutely essential for the support of leading armies that on certain lines all the means of transport that can be commanded should be exacted. The roads should be run under unity of management, without reference to their local limits or separate schedules, and with the rolling-stock possessed by all, or which can be drawn from other sources. There should be the full power of commanding all this, and at the same time of requiring the continued service, as far as needed, of all officers and employés of the roads, so that there should not be even temporary (which might be fatal) delay or embarrassment in conducting the transportation. There should be also the power of at once

taking possession of and removing the iron on roads which must be sacrificed to maintain or construct others more essential, leaving the just compensation and all other questions of possible litigation to be settled by subsequent equitable and satisfactory processes of investigation and decision. The delays incident to previous settlement, often by vexed litigation, are fatal to the imperative uses which demand the sacrifice, and if permitted local and private interests will almost invariably invite them. No reflection is intended on the zeal or patriotism of the officers or members of these railroad companies. On the contrary, it is gratefully acknowledged that they have generally manifested a most commendable disposition to meet the requirements of the Government, and to make even large sacrifices for the common cause. Still, the measure of sacrifice which the need demands is dimmed to their perception by special interests, and is not unfrequently too great to be acquiesced in without the exhaustion of all means of procrastination and prevention. The boards of directors, too, where they would individually make the required sacrifice, feel constrained, by conscientious regard for their representative trust, to interpose all the obstruction and delays in their power. As the immediate possession and use of the iron in such cases is a pressing necessity, no alternative appears to exist but to give the power of seizure in the first instance, with the fullest precaution for after liberal settlement, and it is earnestly recommended this be done.

The distance and difficulty of communication cause imperfect knowledge of the transactions in the Trans-Mississippi Department since my last report, yet operations there are in the main believed to have been scarcely less encouraging and successful than on the eastern side of the river. It is true that under the pressure of superior numbers, from strategic considerations mainly, our forces retired from Little Rock, and have allowed the enemy to advance to considerable distances in the interior of Arkansas; but in such movements they expose themselves to imminent hazards, and will probably have only been lured to more complete destruction. Similar tactics in the war of our Revolution achieved the decisive triumphs of Saratoga and Yorktown, and the remembrance of these glorious results should enable the people overrun to endure the many sacrifices such policy of withdrawal must entail.

In Texas and Louisiana the invasions of the past winter have either accomplished ridiculously small results, in comparison with the formidable commands employed, or have been successfully repelled. In Western Louisiana especially the various advances of the enemy into the interior have met from our forces, under the skillful leadership of General Taylor, repeated and signal discomfitures. Of the most formidable of their invasions, attempted apparently for the subjugation of the whole country by several converging columns of their land forces, aided by a formidable fleet of gun-boats on the river, we are as yet imperfectly acquainted with results, as the wise policy of our able commander has withdrawn the scene of conflict to the far interior. We have only meager and glozing accounts through the journals of the enemy, yet they suffice to show reiterated disasters sustained and afford grounds for sanguine hope to us that they have met the retribution of fearful losses and may have been entirely captured or destroyed. Another San Jacinto may signalize the annals of the southwest and illustrate the fearful risk to an invading army of pressing, with the purpose of subjugation, to the interior defenses of a free and gallant people.

The abundant productions of this fertile region have fortunately precluded all deficiencies of supplies for subsistence to either the armies or the people. In this respect they are fully provided. Their needs are rather of munitions and manufactured stores. Even before the interruption of communication with the east efficient means had been adopted for the establishment of foundries, arsenals, and manufacturing establishments of various kinds and for the development of the mineral and other internal resources of the country. These efforts have been since pressed with increased vigor and with most creditable success. No long time will elapse before, in all material respects, the Trans-Mississippi Department will be made self-sustaining for war. Meantime, most liberal contracts and all other practicable measures have been adopted to afford them requisite supplies by importation of arms, munitions, and quartermaster's stores. These have been at least partially successful, and have met the most pressing wants. The deficiency most to be deplored is of a full supply of arms, and this has resulted from no want of foresight or exertion on the part of the Government, but from casual miscarriages and unexpected and most unjustifiable seizures of large cargoes by neutral powers. The subsequent rendition of them, with acknowledgment of error, at distant points, by no means remedied the mischiefs the injustice had inflicted. Notwithstanding the frustration in this way of well-concerted arrangements for supplies of arms and munitions, others have been rewarded with success, and measures now in train of execution, it is confidently hoped, will soon remove existing deficiencies. It is not improbable this has been already more speedily and effectively accomplished by the triumph of our arms and the capture of the abundant stores of the enemy. It is certainly mortifying to think that brave men are kept from the field, when their all is staked, by the want of arms; yet, if they can be supplied by the spoils of victory, they will find, in their equipment, at once encouragement and an inspiration of generous emulation to gallant achievements. They will know, too, the value of their arms and how they should be both guarded and used.

The legislation of the late Congress for the Trans-Mississippi Department was both liberal and provident. Provision was made for the peculiar needs incident to its comparative isolation from the supervision of the central Government and all the agencies of a partially independent government were authorized. In the same spirit has been the action of the Executive. Added rank and dignity have been bestowed upon the able commander and administrator at its head, and to him have been intrusted the full measure of executive powers, which, under our constitutional system, could be exercised by other than the President. Thus, full confidence has been manifested by both branches of the Government in his fidelity, capacity, and judgment, and all the incentives to effort and all the means of accomplishment which could be commanded have been imparted. It is not doubted such unusual trusts are merited and will be justified in their exercise, and that continuing confidence and sanction to his administration of affairs will be assured by its happy results. Accounts concur in representing him as enjoying likewise the esteem and confidence of the people of the department. They, notwithstanding the sacrifices and losses to which they have necessarily been subjected, are believed to be resolute, hopeful, and reliant both on themselves and their leaders. Portions of their country may be overrun or temporarily occupied by the hosts of their unscrupulous foes, but they

know that with the resources in men and means and the advantages for defense of their extensive department, employed with energy and skill, the attempt to subdue a people as brave and determined as themselves is one of folly and madness. They endure with fortitude their temporary ills, await with patience the hour of approaching retribution, and anticipate with confidence the overthrow of their hateful enemies and their final disgraceful expulsion or destruction. In view of the means at command, the invincible spirit of the people, the skill of their leaders, and the approved prowess of their soldiers, the Trans-Mississippi Department may be regarded as, no less than the States of the Confederacy east, prepared against the utmost efforts of their malignant enemies for successful defense, and assured of ultimate triumph.

Attention is invited to the accompanying report of the Commissioner of Indian Affairs.* Credit is due to that officer for the dangers and privations he has endured in twice visiting the distant abodes of the Indian tribes. His presence and influence among them have proved salutary in affording encouragement and maintaining fidelity. It is important they should be dealt with in a spirit of consideration and liberality. They should not suffer from the changes which have been made in our financial system, the necessity and wisdom of which they cannot be expected to have foreseen or now to understand. The recommendation, therefore, by the Commissioner of timely legislation to authorize substitution of the new currency for the old, without loss to them, is approved and seconded. The great body of the Indians, notwithstanding their losses, are attached to the Confederacy and confident in its fortunes, and with reasonable consideration for their peculiar wants and feelings may easily be retained in amity and fidelity.

We have now entered upon the fourth year of the war, and the end is not yet. Originating in the wrong and perfidy of our enemies, it is continued through their rage and hate. We have asked and seek only peace and separation from them. They profess to enforce a detested union, and wage really a war of conquest and extermination. Prostrating their own Constitution and surrendering their liberties, they are intent only to crush ours. A campaign of momentous events is impending on us. For it our people stand prepared and resolute. Nor have their representatives proved unworthy exponents of their indomitable purpose and self-sacrificing patriotism. The measures of the late Congress, considered as a combined system, are characterized by high resolve and enlarged statesmanship. They concentrate the energies and resources and command the men and property of the Confederacy in larger measure than have ever been done by any government. The whole male population capable of arms, from seventeen to fifty, are either marshaled to the field or organized in reserves, ready to be summoned. One-third of the currency of the Confederacy has been annulled, and taxation of unprecedented amount has been exacted from all values. One-tenth of productions in kind has been claimed without pay, and besides, the residue and all property has been subjected to seizure and conversion for public use at moderate rates of just compensation. The railroads, the great means of internal trade and communication, are made primarily subservient to the necessities of Government. Even the great writ of personal liberty is suspended in cases requisite to preclude evasion

* Not found.

of military service, or to repress uprisings of disaffection or disloyalty. In short, by their representatives, the people, not reluctantly, but eagerly and fearful rather of shortcoming than excess, have, through regular constitutional action, commanded for their country and its cause the labor, property, and lives of all. In the consciousness of such devotion and sacrifice to a righteous cause they may well feel reliant and indomitable, and await with constancy and faith the shock of coming battle. They have, too, much to encourage and every incentive to nerve and animate. Our enemies exhibit unmistakable evidences of despondency, of approaching bankruptcy, and internal convulsion. They will be, during the year, in the throes of intense political struggle, distracted beyond all precedent by the jars and strifes of acrimonious factions contending for the prize of almost despotic power and madly extravagant expenditure. To a large proportion of their people, and among them the wisest and the best, the vile faction who are the authors and prosecutors of the war are scarce less odious than to ourselves, and with nearly as much reason, since its triumph is the practical subversion of their Constitution and laws, and the precursor of speedy destruction to their, as surely as to our, liberties. If any redemption remains to the people of the United States from the wickedness and madness that have urged them to this war, it can only be by recurrence to the principles of self-government in the people of the States and to the counsels of peace.

All the indications of the incipient campaign, too, are auspicious and inspiring. Cheering accounts of successes greet us from every quarter of the Confederacy. Since the penning of the first pages of this report the notes of decisive victory, imperfectly heard from the remote confines of the trans-Mississippi, have been swollen by the acclaim from Paducah and Fort Pillow, and have culminated in the shouts of complete triumph at the brilliant achievements of a young and rising general of North Carolina on his native soil. Many minor successes contribute to justify grateful exultation, but all should fail to excite presumption, and only animate to greater effort and to humbler trust in the blessing of Heaven on our arms.

The greatest incentive yet remains. Our only outlet to existence and safety is through the portals of victory. We have burned the ships behind us. It will not do to fail. Subjected to the hate and brutality of our malignant foes, to what depths of penury, misery, and baseness should we not be crushed? Our Confederacy would be extinct; our States broken up; our institutions, social and industrial, uprooted, and our people stripped of property, liberty, and all rights, now and in coming generations, the thralls of Yankees and their allied hordes of miscreant foreigners, held to the tasks of drudgery and infamy by the insolent ministry of our slaves in arms. No conquered people would have ever writhed under such masters, nor have been steeped in such bitterness and infamy. For this end, shall we have made such priceless sacrifices of blood and treasure, and done and dared as our Army and people have in this war? Shall the hosts of our gallant dead—our "noble army of martyrs"—in vain have attested with their lives the sacredness and truth of their country's cause? Are they to live in memory not enshrined amid the halo of fame for the inspiration and reverence of future generations, but branded for warning and execration, with the lasting stigma of a rebel's name and a traitor's fate? Are the thousands and tens of thousands of the invalided, the scarred and maimed heroes of this

war, instead of being followed through life with the homage of honor and gratitude, to drag out a wretched existence, the conspicuous objects of detestation, obloquy, and contempt? Shall we and ours, from the honored sires and beloved mothers to the maiden in her purity or the prattling innocent, with all our homes and means, be the victims or prey of Yankee insolence, cupidity, and hate? We cannot, in sober verity, afford to be conquered. Such existence offers no boon to tempt nor consolation to reconcile. In contrast, on the other hand, through the vista of no distant time, see the Confederacy of our choice established in power and dignity; our States in the benignant exercise of acknowledged sovereignty; the courage and virtue of our people tested and approved; our institutions, social and industrial, vindicated and freed from the malignant intermeddling of fanatic or insidious enemies, confirmed on the basis that so happily reconciles capital with labor and harmonizes dependence with protection, and the desolated homes and ravaged fields of our favored land restored and flourishing under the benignant smiles of peace and plenty. Let our people "look on this picture, and then on that," and choose. For it is a matter only of choice and the will to fulfill it. We have the numbers, the resources, and the means adequate to our certain redemption and triumph if only they be commanded, concentrated, and wielded with energy and unity by the will of a people unalterably fixed never to succumb, but to prefer release in the grave and refuge with God to the horrors and infamy of lasting slavery. We have only to act in this spirit, and humbly confiding in the favor of Heaven, we may be assured no distant day will witness the confusion and discomfiture of our enemies and the permanent attainment to us and our posterity, through the achievements of victory, of peace, freedom, and independence.

Respectfully submitted.

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., April 28, 1864.

General S. COOPER,
Adjutant-General, Richmond, Va.:

GENERAL: I feel it my duty to state to you that the number of the reserve corps is likely to fall below the estimate, as well as the reason for it. It is attributable to the course of the Governor of Georgia. If Governor Brown had complied with the requirements of the law of Congress and exempted those only who were necessary for the proper administration of the State government, we should have had several thousand more men in the service than we can get under his proclamation. That you may be fully apprised of what he has done I herewith inclose a copy of his exemption proclamation and a copy of a letter I addressed him on the subject, to which I have received no reply.

I am, general, very respectfully, yours, &c.,

HOWELL COBB,
Major-General, Commanding, &c.

[Inclosure No. 1.]

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., April 9, 1864.

THE PEOPLE OF GEORGIA:

As a vast number of letters are being received at this department inquiring what civil and military officers of this State are exempt from Confederate conscription, which makes the labor of answering each burdensome, I adopt this mode of giving a general reply.

The Congress of the Confederate States, prior to the session of the General Assembly last winter, had by act left it to the Legislatures of the respective States to say what State officers should be exempt from conscription, and our Legislature passed the following joint resolution, which was approved December 14, 1863:

Resolved by the General Assembly of the State of Georgia in response to the law of the Confederate Congress inviting the several States to specify what State officers shall be exempt from conscription, That all civil and military officers of this State shall be so exempt.

The late act of Congress, known as the military act, exempts the members of the State Legislature and such other State officers as the Governors of the respective States may certify to be necessary for the proper administration of the State government.

In conformity to the resolution of the General Assembly, I have certified to the President that I claim as exempt all civil and military officers of this State. This embraces the judges of supreme court of this State and their clerk and deputy clerk, reporter and deputy reporter; all judges of the superior courts and one clerk and deputy clerk in each county, with one sheriff, one deputy sheriff, and one jailer for each county, with an additional deputy in each county embracing the larger cities, if the sheriff will file his affidavit that the services of such second deputy are actually necessary to enable him to discharge the duties of his office faithfully and promptly. The justices of the inferior court of each county, with their clerk and deputy clerk; the ordinary and his deputy clerk, all justices of the peace, and all lawful constables; all tax collectors, receivers of tax returns, county treasurers, county surveyors, and coroners; all mayors of cities and aldermen or councilmen who are made by the act of incorporation *ex officio* justices of the peace or State officers; all financial agents appointed by the Governor to aid in carrying into execution the laws of this State for the exportation of cotton and the importation of clothing and other supplies for Georgia soldiers in service, and the importation of cotton cards and articles necessary for the repair of the State road; the judge, clerk, and sheriff of each city court, and all officers and necessary employés of the State road; one notary public for each county, if appointed as the statute requires prior to this date; all state-house officers and the secretaries and clerks employed in each department; the staff officers of the Governor, including the adjutant and inspector general and his assistants; the aides-de-camp, the quartermaster, and commissary-general and their necessary assistants; the officers and cadets of the Georgia Military Institute, who together are made by law the engineer corps of this State; the chief of ordnance, and the superintendent and employés of the State armory under him, and all commissioned officers of the newly organized militia of this State, including the surgeons appointed under the act. The militia officers as well as the civil are protected from the date of their election. The militia

officers under the old organization are protected by law till their commissions are suspended, which takes place in each senatorial district so soon as the Governor issues his order to that effect, which is to be done in ten days after the new organization in the district is completed. The officers and guards of the penitentiary, the officers and employés of the cotton card factory in Milledgeville.

If I have omitted any officer whom the law makes it my duty to protect, the fact will be made public when the omission is discovered.

As some of the enrolling officers in this State, from ignorance of their duty or disregard of the orders of their superiors, assume to command the officers of the State, and to sit in judgment upon the legality of their commissions, all the above-mentioned officers are hereby notified that the enrolling officers have no jurisdiction over them, and they will obey no orders from any Confederate officer. If they are seized by force and carried from their homes they will at once notify me of the fact.

Upon the demand of the enrolling officer, it will be the duty of each State officer to exhibit his commission if he has it with him; if not, to get and exhibit it in a reasonable time. In case of deputy sheriffs, deputy clerks, jailers, and constables, the law provides that the order of appointment by the person or court having the power of appointment shall constitute the commission.

The enrolling officers have no jurisdiction to try the legality of a commission issued from this department or from the court or person in whom the law vests the power to give commissions. In case any doubt arises as to the legality of a commission held by any person, or the enrolling officer has reason to suspect that it is a forgery, or that the holder is practicing any other imposition, such enrolling officer is respectfully invited to forward a statement of the facts to me at this place, and I will inform him promptly whether the person claiming to be an officer is such in fact, and will afford him every facility in my power to arrest any person who may have escaped under such false pretext. If the enrolling officers will adopt this course there will be no reason for conflict or misunderstanding.

In case of deputy sheriffs and deputy clerks of the several counties, the law does not limit the principal sheriff or clerk to a single deputy, but authorizes him to appoint "deputies." As I am satisfied, however, that one deputy is quite sufficient in any county, unless it may be in the office of sheriff in the larger cities, and that some of the counties may not need a deputy at all, I have thought that I carry out in its spirit, if not in its letter, the resolution of the Legislature when I refuse to protect more than one deputy for each clerk and sheriff in each county, except in case of the sheriffs of the counties embracing the larger cities, who upon their oaths declare that a second deputy is necessary, as above provided.

I regret to learn that able-bodied young men have in some cases been elected to inferior county, district, or militia offices to the exclusion of old men competent to fill the places; but as the constitution and laws give me no control over the decisions of the people in such cases, and no right to interfere with them in the exercise of the elective franchise, I have no discretion, but am obliged to commission those who are legally elected, and under the general rule of law am obliged to extend to them the same protection which is afforded to other commissioned officers. I know of individual cases where I regret this necessity imposed by a general rule of law, and would give the office to older men over whom they have succeeded, and send them

to the Army if I could do so in the legal discharge of my duty. But I must yield to the choice of those who have the right to make the selection.

JOSEPH E. BROWN.

[Inclosure No. 2.]

HEADQUARTERS GEORGIA RESERVES,
Macon, April 21, 1864.

His Excellency JOSEPH E. BROWN,
Governor, &c., Milledgeville, Ga.:

SIR: I have been assigned by the President to the command of the Georgia reserve force to be organized under the late act of Congress, calling the men between seventeen and eighteen and forty-five and fifty into the service. Impelled by both duty and feeling I desire to make this force as efficient as possible. We are pressed on all sides by the overwhelming numbers of the enemy, and our own State is threatened both on the sea-board and the northwest. At no time since the war began has there existed so urgent a necessity for calling into the field every man capable of serving the country, and whose services are not more valuable at home than in the field. It is only necessary to state the proposition to receive your responsive approval. In your recent address to the people of Georgia, of the 9th instant, declaring who are exempt from military service, I find the following paragraph:

> I regret to learn that able-bodied young men have in some cases been elected to inferior county, district, or militia offices to the exclusion of old men competent to fill the places; but as the constitution and laws give me no control over the decisions of the people in such cases, and no right to interfere with them in the exercise of the elective franchise, I have no discretion, but am obliged to commission those who are legally elected, and under the general rule of law am obliged to extend to them the same protection which is afforded to other commissioned officers. I know of individual cases where I regret this necessity imposed by a general rule of law, and would give the office to older men over whom they have succeeded, and send them to the Army if I could do so in the legal discharge of my duty. But I must yield to the choice of those who have the right to make the selection.

This expression of feeling authorizes the conclusion that Your Excellency desires to place in the military service of the country all that class whom you regret to find avoiding their duty by holding State commissions, but whose presence at home is not required for any State service. This class I fear is large, and with Your Excellency's co-operation I think can be withdrawn from their official retreats, and be brought into the service of their country, where their presence is called for by every consideration of duty and patriotism.

Allow me to call your attention to the language of the act of Congress under which these exemptions are made. It is as follows:

> The Vice-President of the Confederate States, the members and officers of Congress, and of the several State Legislatures, and such other Confederate and State officers as the President or the Governors of the respective States may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be.

You will perceive that Congress intended that those, and those only, should be exempted whom the Governors of the respective States may certify to be necessary for the proper administration of the State governments. I submit that the sweeping exemption of all civil and military officers of the State was never contemplated for a moment in the passage of this act; if so, the law could have so declared; but

the object was to enable the Governor of each State to retain all who, in his judgment, were necessary for the administration of the State government. Hence the law, reposing confidence in the sound judgment and patriotic devotion of the State Executives, put these exemptions under the control of the Governor, whose certificate was alone required to authorize the exemption. If I am right in this view of the subject I should respectfully ask Your Excellency to consider whether all the officers exempted under your certificate are necessary for the proper administration of the State government. Allow me to allude to some of these officers in detail.

First. The number of sheriffs and their deputies, clerks of the superior and inferior courts and their deputies. The business of the courts is almost entirely suspended, and I seriously doubt if there is a county in Georgia where a single deputy is required in either of these offices. Sheriffs require a jailer in each county, but beyond that none of them have the least use for a deputy. In these two offices of sheriffs and clerks of courts there are probably over 400 deputies not needed at home for the business of their offices.

Second. There are in Georgia over 2,000 justices of the peace and over 1,000 constables. I think I may safely say that one justice of the peace can do all the business of any district in the State, and one-fourth of the constables could do all that appertains to that office. Could not all these offices be as well filled by men over fifty, and by not exempting any justice of the peace or constable of military age? I am sure no injury would be done to this branch of the State service, whilst the ranks of our Army would be considerably increased. I have been informed of districts where there has not been a justice of the peace for several years, but to obtain exemptions these offices have been sought and are now filled by men both liable and capable of doing military duty.

Third. The number of militia officers commissioned in the late organization of the active militia of Georgia is unknown to me, but from the best data in my possession I say they exceed 3,000, including field and staff officers and company officers. As all the men composing the active militia have been transferred to the Confederate service, I do not see that their services are required for the proper administration of the State government. I would respectfully suggest that when the militia over fifty and under seventeen are called out there will be found in their number those qualified to fill all the offices without withholding from the service for that purpose the able-bodied young men who now hold commissions as military officers. I do not know what proportion of the officers to whom I have alluded are between the ages of seventeen and fifty, but I am quite sure the State service would not suffer any grievous injury if all such were put into the regular military service of the country. There are doubtless other officers of the State with whom, and their necessity for State service, Your Excellency is better acquainted than I am. My object is to call your attention to all who at this trying and critical juncture can be induced or required to come forward and stand by their brethren in arms, in the defense of the rights and liberties of our State and Confederacy. I am aware that the Legislature at its late session resolved "That all civil and military officers of this State shall be exempt." To this, however, I would respectfully reply that the act of Congress did not submit this question to the respective Legislatures, but to the respective Governors, for decision, and I insist that the Legislature could not require the Governor to give a certifi-

cate that all civil and military officers of the State were necessary for the proper administration of the State government if, in point of fact, he did not believe that such was the case. They had no right, either legal or moral, to tax your conscience with a certificate which the laws of the country had submitted to your own decision. If, therefore, you believe, as I infer from your published address is your belief, and as I am sure every intelligent and patriotic man in the State will agree with you in saying, that all of these officers are not necessary to the proper administration of the State government, I submit that you would render the country great benefit by so modifying your certificate as to limit the exemption to those officers who are necessary to the proper administration of the State government, and allow and require all others to go into the military service of the country. I feel quite sure from my knowledge of the members of the Legislature that they did not contemplate such a result from their action as it now appears is likely to follow. Your action, I feel confident, in giving to the military service of the country all not necessary for the administration of the State government, will give to the members of the Legislature, in common with your fellow-citizens generally, real and sincere gratification.

It is to be regretted that the condition of the country demands so large a withdrawal of its population from the ordinary pursuits of life, but this is a necessity which cannot be avoided, however much it may be deplored. Besides, it is not justices of the peace, deputy sheriffs, clerks, and militia officers who are needed at home, but farmers and mechanics, and it is far better that as many of the latter and as few of the former as possible be withheld from service, as just as the number of sinecure deputies and militia officers at home increases, so the necessity for calling into the field more of our farmers and mechanics is increased. As it is important that the reserve force should be efficiently organized at the earliest possible day, I request your early attention to the subject.

I am, very respectfully, your obedient servant,

HOWELL COBB,
Major-General, Commanding.

OFFICE COMMANDANT OF CONSCRIPTS FOR EAST LOUISIANA,
Mobile, April 28, 1864.

Col. JOHN S. PRESTON,
Superintendent of Conscription, Richmond, Va.:

COLONEL: I have the honor to state that I have temporarily established my office at this place. I have received reports from some of my officers exhibiting the fact that conscription in East Louisiana has thus far proved a failure. This failure arises not for the want of material upon which to operate, for such material is there and can be made available, but is entirely owing to the laxity and irregularities of officers sent there. They have been subject to no control; they have not been established at any regular posts; they have been furnished with none of the laws and orders touching conscription; they have not been paid since they entered the State; they have not been supplied with blanks, books, or stationery, and, in short, had they been disposed to exercise industry and energy, they could have accomplished nothing without organization as prescribed by your Bureau and an efficient and recognized head of the department. I

have already taken steps with a view of bringing about this organization, and I am encouraged in the belief that out of the disorder that has spread itself throughout Eastern Louisiana, system and order can be inaugurated and that portion of our country brought within the influence and control of your Bureau. I deem it most important that I repair at the earliest practical moment to my field of action, and earnestly though respectfully urge that a quartermaster and commissary be sent me at this place as soon as possible. I cannot enter upon the discharge of my duties without them, and will therefore wait at this point for them to report to me. In the absence of a disbursing officer I have the honor to inclose an estimate* for funds required in my department. I would be glad if it could be referred to the officer designated by the Quartermaster-General as my quartermaster. I need not repeat how absolutely essential it is that in a country where towns are few, where there are no post quartermasters and commissaries, that the quartermaster of our bureau should come to us prepared to supply the wants of the department.

Asking your indulgence for the earnest manner in which I represent my wants,

I have the honor to be, colonel, your most obedient servant,

FRANK CLARKE,
Major and Commandant.

[First indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, Va., May 25, 1864.

Respectfully forwarded to Col. J. S. Preston, superintendent, with the recommendation that application be made for the assignment of a quartermaster to report to Major Clarke for duty.

JOHN CLAIBORNE,
Major and Quartermaster in Charge, Bureau of Conscription.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, May 25, 1864.

Respectfully referred to the Quartermaster-General, with the request that a quartermaster be assigned to duty with Maj. Frank Clarke as soon as possible.

JNO. S. PRESTON,
Colonel and Superintendent.

[Third indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
May 31, 1864.

Respectfully forwarded to the Adjutant and Inspector General with the recommendation that Capt. Israel Gibbon, assistant quartermaster, be ordered to report to Maj. Frank Clarke, commandant of conscripts for East Louisiana, for assignment to duty.

A. R. LAWTON,
Quartermaster-General.

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*Not found.

RICHMOND, *April 28, 1864.*

Maj. R. P. WALLER,
Quartermaster, Nassau, New Providence:

SIR: Inclosed is the list of shipments of cotton, made via Nassau, referred to in the last communication to you from this office. It was by accident omitted therefrom and is now forwarded.

I regret that you were unable to provide Mr. Sharp with the means he needed, as the same was required for a special purpose. Please send in by the earliest opportunity so much of his order as you reserved the purchase of.

There is likely to be a diversion of some of the shipping which has heretofore gone to Nassau to Bermuda, between the apprehension of parties as to quarantine, and the action recently taken by the Government in chartering certain steamers to go to Bermuda, so as to remove some of the freight which has accumulated at that point. Let the department know as time goes on what effect all this may have on your facilities for shipping. Is freight ever paid on quartermaster's stores from Nassau in sterling?

You can consign any goods going to Mobile to Major Barnewall and such as go to Charlotte to Captain Crafts, the depot officers at those points. Major Hirsch, at Savannah, will receive anything that may reach that point.

By order of Quartermaster-General:

W. B. B. CROSS,
Major and Quartermaster.

[Inclosure.]

Memorandum of shipments of cotton to Nassau, 1863.

			Bales.
Aug.	22.	Fannie	150
Sept.	7.	Aralia	15
	11.	Beauregard	65
	19.	Banshee	1
Oct.	1.	Pet	40
	7.	Antonica	80
	10.	Fannie	160
	23.	Banshee	60
	31	Alice	98
Nov.	7.	Don	8
	25.	Beauregard	100
	27.	Lucy	20
Dec.	3.	Pet	118
	3.	Bendigo	45
	3.	Gem	30
	9.	City of Petersburg	70
	—.	Antonica	154
	13.	Scotia	33
	31.	Siren	100
	31.	Fannie	145
Jan	8.	Lucy	15
	16.	Fannie	100
Feb.	25.	Siren	80
March	3.	Lucy	49
	3.	Annie	100
	31.	Siren	35
April	16.	Lucy	188
	Total		2,203

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 44. } *Richmond, April 29, 1864.*

I. The number of general staff officers, and the grade of each, allowed to the several commands in the field are established as follows:

1. To an army composed of two or more corps: A senior assistant adjutant and inspector general, and an assistant adjutant and inspector general, not to exceed the grade of colonel, each of whom may have two assistant adjutant and inspector generals, one not to exceed the grade of lieutenant-colonel, and the other of major. One of the assistants to the senior assistant adjutant and inspector general, selected with a view to his special qualifications for the duty, will be charged with the examination of court-martial records. A surgeon as medical director, who may be assisted by one other surgeon. A surgeon as medical inspector.

2. To an army corps: A senior assistant adjutant and inspector general, and an assistant adjutant and inspector general, not to exceed the grade of lieutenant-colonel, each of whom may have one assistant adjutant and inspector general, not to exceed the grade of major. A surgeon as medical director and inspector.

3. To a division: A senior assistant adjutant and inspector general, and an assistant adjutant and inspector general, not to exceed the grade of major. A surgeon as chief surgeon and inspector, who will also have charge of the field infirmary.

4. To a brigade: An assistant adjutant and inspector general, of the grade of captain. A brigade quartermaster and a brigade commissary, each of the grade of major, as now authorized by law. The senior surgeon will act as brigade surgeon and inspector. He will also have charge of the field infirmary, and perform at the same time his duties as regimental surgeon.

5. Each general officer will have the aides-de-camp allowed by law—one for a brigadier-general and two for all other general officers.

6. Cavalry divisions and brigades may each have an assistant adjutant and inspector general, not to exceed the grade of major, in addition to the number allowed infantry divisions and brigades.

II. Senior assistant adjutant and inspector generals and assistant adjutant and inspector generals may be required to alternate their duties.

III. The number and grade of the preceding general staff officers attached to the headquarters of a military department will be assimilated, according to the above scale, to the number of troops constituting the military force in the department. Special assignments in addition may be made by the War Department when the extent of country and nature and scope of duties may require it.

IV. The assistant adjutant and inspector generals will not be of higher grade than is herein designated. Should the general prefer an officer having a lower grade, he may be assigned to duty with the command.

V. General officers will report to the Adjutant and Inspector General all officers of the several staff departments now serving in their respective commands, and will at the same time recommend for reassignment such as may be required under the provisions of this order.

VI. All assignments of general staff officers will be made by order from this office, and they will not be changed except by like authority.

VII. Commands will not be allowed a greater number of staff officers than is herein established; nor will officers of the line be

assigned to staff duty without special authority. Should it be deemed insufficient for the transmission of orders on the battle-field, couriers and guides (authorized in General Orders, No. 17, last series) will be employed by general officers, who will announce them in orders as persons accredited to convey their instructions and other communications.

VIII. Vacancies will be filled by selection from the officers of the department in which they occur.

IX. These orders being confined to the general staff proper, the organization of the other departments will not be affected by them.

X. Promotions in the general staff of the Army will be by selection and not by seniority, except in cases of known competency for higher grade.

By order:

S. COOPER,
Adjutant and Inspector General.

[APRIL 29, 1864.—For Anderson to Brent, in reference to execution of impressment law in East Tennessee, see Series I, Vol. XXXII, Part III, p. 847.]

HEADQUARTERS RESERVES OF NORTH CAROLINA,
Raleigh, April 29, 1864.

General S. COOPER,
Adjutant and Inspector General's Office:

GENERAL: After a full conference with Colonel Mallett, commandant of conscripts, and on examination of the reports of his enrolling officers in different parts of the State, I am pained to report that there is much disaffection in many of the counties, which, emboldened by the absence of troops, is being organized in some places to resist enrolling officers and persecute and prey upon the loyal and true citizens. At present my orders do not authorize me to act, as the reserve force is as yet without organization. I therefore respectfully suggest that my powers be extended so as to enable me to use any troops that may be available for the suppression of this insurrectionary spirit; and further, that in organizing the reserve force that I be authorized to separate the two classes, and as far as I may find necessary call the junior class (*i. e.*, from seventeen to eighteen) into immediate service. This will take but little from the agricultural interest, and that little will be more than counterbalanced by the quiet and confidence incident to the security it will give to those that remain. An early answer is respectfully requested.

I am, general, very respectfully, your obedient servant,

TH. H. HOLMES,
Lieutenant-General.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
May 3, 1864.

Respectfully submitted to the Secretary of War.

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

APRIL [MAY] 5, 1864.

Respectfully referred to General Bragg for his consideration and counsel.

I had supposed it would be more judicious to mingle the youths of seventeen and eighteen with the older men. This, however, had reference rather to the morale and management of the former than to the individual interests to which General Holmes refers. There are, I suppose, no additional troops available for the service recommended.

J. A. SEDDON,
Secretary.

[Third indorsement.]

MAY 29, 1864.

Special instructions have been given about calling out the reserves. I do not think the officer charged with the organization and equipment of reserves should have his duties complicated by any geographical command beyond what is necessary for that purpose, and it is especially objectionable that military officers should be at all mixed up with the unfortunate political dissensions in our States.

BRAXTON BRAGG,
General.

[Fourth indorsement.]

MAY 31, 1864.

Conference with General Holmes has obviated the necessity of any instructions.

J. A. S.,
Secretary.

BUREAU OF CONSCRIPTION,
Richmond, April 30, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to submit my report concerning the operations of the conscription service from the 1st of January to the 1st of April, 1864. This report indicates but a very meager portion of the work which has been performed. The results are the scanty gleanings from an almost unlimited and nearly exhausted field of labor, every inch of which has to be searched, analyzed, and classified in every relation to the great problem of recruiting and maintaining the armies.

No attribute which pertains to society or civil economy but has been subjected to the scrutiny and action of this Bureau and its agencies. With the incompetent means under its control, all has been done which could be effected by zeal and diligence. The results indicate this grave consideration for the Government, that fresh material for the armies can no longer be estimated as an element of future calculation for their increase, and that necessity demands the invention of devices for keeping in the ranks the men now borne on the rolls. The stern revocation of all details, an appeal to the patriotism of the States claiming large numbers of able-bodied men, and the accretions by age, are now almost the only unexhausted sources of supply. For conscription from the general population, the functions of this Bureau may cease with the termination of the year 1864.

Papers A, B, C, and D are the reports of the officers of this Bureau relative to matters with which they are respectively charged and exhibiting statements and views which I deem worthy of your consideration.*

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*Not found.

Papers E, F, G, H, I, J, K, L, M, and N, hereto attached, exhibit the various operations of the conscript service in the diverse functions allotted to it. From these, however, are excluded an immense mass of work which it is not deemed necessary to report, because it is of a character not demanding record in this Bureau.

The returns furnished are unavoidably incomplete, and I respectfully refer to the latter portion of this report for the explanation.

Papers O and P will exhibit very valuable reports from Colonel Blake, the registrar of this Bureau, in regard to the military capabilities of Georgia and Virginia.* Within a few days I expect to receive from the same intelligent and zealous officer similar reports on North Carolina, South Carolina, and Alabama.

Paper Q is a list of the enrolling officers whose commissions have been vacated.* The case is fully stated below.

These various exhibits show that much good work has been done, although the numbers recorded in this Bureau do not manifest a large increase to the Army. A rigid and universal inspection, not only of company rolls, but personal and also pay rolls, will prove that more men have been received into the service irregularly since the 1st of January than have gone through the conscription authorities. The results of conscription since the 1st of January have not been equal to the anticipations of the country, and, perhaps, not quite up to the calculations of this Bureau.

I. The act of Congress entitled "An act to put an end to the exemption from military service of those who have heretofore furnished substitutes" (approved January 5, 1864), has not furnished the number of men which it was supposed would be brought into the service by that law. It has been found that a number of persons having substitutes come within the classes exempted by the act of February 17, 1864, and other large numbers belong to those classes who are the subjects of detail for the industrial productions. Wealthy farmers, enterprising manufacturers, and mechanics were the persons chiefly furnishing substitutes. Besides these many patriotic persons of feeble health, but within the conditions of the regulations, sent in substitutes, and on being enrolled have been detailed for service out of the field. The Bureau, under your instruction, has been very cautious in allowing such details. I regret to state that there seems to have been a general effort to keep principals of substitutes out of the Army.

It is proper to add that the calculation of enrolling officers is, that a larger number of this class have gone into the Army without reporting to the enrolling officers than have been passed by them through the camps. The result of the law, therefore, has been better than is exhibited by the records of this Bureau.

II. It has been found exceedingly difficult to interpret the "act to organize forces to serve during the war," so as to adapt its provisions to just administration under the agencies provided for conscription. The purpose of the law seems to be that while all men are made liable to military service the productive industry must be maintained as necessary to the public defense. Under the classes of exemption there are but a limited number engaged in production. Of persons "owning fifteen able-bodied hands" a very small minority produce more than they consume, rarely having a surplus of grain or meat to sell, and a large majority of such persons between the ages of seventeen and fifty are already in the service. The surplus

*Not found.

producers, those on whom the country and the Army must depend for supplies, are the classes having much less than "fifteen hands," and down to single laborers on farms. As numerous as this class is, it has already been drained of men to a point which requires great caution in making further abstractions. My opinion is that the agriculture of the country cannot safely spare more than a very small additional draft. I am not sure that the public defense would not be strengthened instead of weakened by adding to the labor thus employed.

III. In manufactures and mechanical arts the like necessities seem to exist. Perhaps no civilized country was ever so barren of manufactures and mechanical arts as the States of the Confederacy at the beginning of the war; and certainly no country, since the blockade was established, has needed them more. No one article of clothing or mechanical production was supplied within these States, so that, under the blockade, it has become an absolute necessity, even for the meager supply now existing, that every manufacturer and mechanic should be kept to his art. As the stock which existed at the beginning of war approaches absolute exhaustion this necessity of course increases. Prudence requires great caution in further diminishing this class. The Army and the people must be fed and clothed, and the munitions of war must be furnished, and the persons engaged in these purposes are already too few for the ends. It is in the class of non-producers that the enrolling officer must chiefly look for his recruits to the Army, and it is in determining who these non-producers are that the conscript authorities are engaged in hourly contest with every authority, every prejudice, every interest, and every fear which exists in the Confederacy. Governors and judges demand some local convenience; others, pecuniary or other interests, and the needs of every occupation are magnified into public necessities. Towns and cities demand able-bodied men for police; banks and brokers, for clerks; charitable institutions, for wardens; public functionaries, for subalterns, and all on the plea that such are necessary for the public good. There is one universal effort to keep men from the field. Since I took charge of this Bureau no authority, association, or individual has offered one man to the military service. Against all this the conscription authorities are daily contending. The results evince that the officers have been doing their duty.

IV. I regret that I am compelled to report that in no department of Government has the law been rigidly complied with in the matter of details. The plea of public necessity has been so strenuously urged and so distinctly proved that continuations have been allowed beyond the contemplation of law. I respectfully recommend that as soon as the reserves are organized the law be rigidly enforced.

V. The functions of conscription are now narrowed down to a system of delicate gleaning from the population of the country, involving the most laborious, patient, cautious, and intelligent investigation into the relations of every man to the public defense. There are but few left whose appropriate duties in those relations have not been defined, and it thence becomes the province of the conscription agents to weigh and determine whether those relations may not be disturbed for the purpose of sending more men into the field and distributing them for the general service.

The efficiency of the Bureau in these investigations has been seriously impaired by the failure to retain in office about seventy officers, selected by you for their peculiar fitness for and accurate training in these duties.

These officers (paper Q*) were selected by you with great care and accurate discrimination and appointed or assigned to enrolling service. With few exceptions, all other officers in that service were assigned by accident or by reason of unfitness for other duties; and from this cause, when I came to the Bureau, I found the service confused and languid, and the administration of the conscript laws necessarily unsatisfactory. Chiefly by the zealous and intelligent aid of these seventy officers thus selected, the system was organized and the administration became fruitful, not only in men for the field, but in managing the external police of the armies, and also in furnishing a large amount of information on which to base the military policy of the country. These officers were the chiefs who controlled, informed, and energized the ungenial agencies filtered into the conscript from the debris of the general service. They were the practiced and trained soldiers and judges on whom I relied to sustain me in my hard duty of wringing from the wasted population the scanty remnant of men, and at the same time to preserve, as far as our military need would permit, the enfeebled productive energies of the country. These officers have been discharged by the operation of a law which does not provide adequate compensation to the public service.

In the States of Virginia, North Carolina, and South Carolina these officers were the principal agents of conscription, and in these States conscription has been eminently successful. In Georgia, Alabama, Mississippi, and Florida the officers were altogether casual, and from these States came all the complaints of the evils and failures of conscription.

The Invalid-Corps bill has furnished no substitutes for these officers, and I have no authority to ask or receive officers from any other source except such as may be sent by the casualties of the field, or on declarations of incompetence. I cannot too strongly express my dismay at the almost certain prospect of the utter failure of the conscription service during the coming vital campaign if it is made dependent on the accidental officers who are fitfully and irregularly assigned to its duties. On the 1st day of April no branch of the public service was working with more order and efficiency than that under the control of this Bureau. All obstacles and impediments—and they were of the gravest character—were yielding to the intelligence, the indomitable zeal and devotion of the officers. On the 1st day of May over a large portion of the Confederacy the service will be paralyzed. Leaving out the plea of harsh and cruel dealing with these officers, a large majority of whom are disabled by wounds and disease, and have resigned higher to take inferior commissions, I regard this statement I have made as sufficient warrant for me to suggest a recommendation that Congress make some provision for reinstating these officers in the enrolling service with their proper commissions.

VI. Another grave interruption has come of the occasional, but too frequent, assignment of officers commanding in the field to the duty of conscription and recruiting in particular localities. In every instance this has unduly disturbed the production of the country—has violated legal rights—has failed to send men into the field—and has been unjust to the general service. In no instance has an officer commanding in the field, charged with local conscription, sent a conscript out of his department. The assumption by local authorities to determine liability to service has uniformly been detrimental, keep-

*Not found.

ing unnecessarily many from the field and impeding and delaying the conscript officers in sending others.

VII. In my report of December 5, 1863, I estimated that nearly one-third more men went into the field directly under the compulsion of the law than passed through the camps of instruction. My belief is that the proportion has been increased since the passage of the acts of January 5 and February 17—that is, that the conscript rolls and assignments will not exhibit one-half the number of men who have gone into the service since the 5th of January. Proper returns to the Adjutant and Inspector General's Office should make an accurate exhibit of these accretions. General orders have been inoperative to prevent this mode of direct volunteering; and requisitions for the men by enrolling officers and this Bureau have been unheeded. The abuse exists in every military department. Your attention is respectfully and earnestly invited to this matter, and a rigid inspection of company rolls is recommended.

VIII. The applications for details in the various departments of the Government and in other pursuits have increased and are daily increasing. The allegation of public necessity is generally set forth, and it is very difficult for this Bureau to determine. I have endeavored to limit such details as rigidly as possible, but have not suceeeded to the extent which it appears to me the public service demands. My opinion is that all proper labor, except of mechanical experts and agriculturists, can, by due effort, be furnished from the exempt classes, the reserves, the light-duty conscripts, and the Invalid Corps, and that there is no absolute necessity, at this time, for one detail in ten of the able-bodied men between eighteen and forty-five. I believe stern adherence to a rule embracing this conclusion would not diminish the vigor of the productive industry to any appreciable extent.

The exceptions are very rare which involve a permanent necessity of departing from the provisions of sections 8 and 9 of the act of February 17, 1864. At present there is not one department of the Government or one enterprise in the country which is not clamoring for such departure. The various bureaus of Government ask over 12,000 able-bodied men. The railroads ask at least one brigade beyond the allowance of exempts. The express companies demand nearly a regiment, and State authorities fully 10,000. Wherever a contract is made with the Government, in which a large profit is provided, the Government is immediately called upon to do the work for which it pays. Thus a railroad, an express, telegraph, or manufacturing company contracts with the Government and lays its profits; it then asks the Government to detail from the Army or abstain from the military use of all the labor necessary to fulfill the contract. The evil is an enormous one. The authority of this Bureau is not competent to the remedy.

IX. In many localities it has been found expedient, indeed necessary, to suspend wholly or partially the operations of conscription. This has been done in localities between the lines of our armies and those of the enemy—so far as the reserve classes are concerned—for the obvious reason of preventing those classes from becoming prisoners of war, and it has been extended to all classes within the enemy's lines from the impossibility of the enrolling officers operating. In the First Congressional District of North Carolina the whole matter has been turned over to the Governor of that State, the men to be used for State defense.

X. Frequent complaints are made of the inefficiency and corruption of the enrolling officers. Such complaints are made against the

generals in the field and all the departments of the Government. In the case of enrolling officers they are sometimes well founded, and active efforts are made to remedy the evils. In general, however, these complaints are the results of ignorance, or the baffled endeavor to escape the service, or of malice, because the duty of the officers of conscription requires them to exempt certain persons for sufficient legal reasons. I can congratulate you on the assurance that the chief officers in the enrolling service discharge their duties with as much zeal, intelligence, and efficiency as any officers in the Government. There may be defects in the administration of the conscript laws and dereliction among the officers, but I have no hesitation in asserting that the country and the Government has just reason to be satisfied both with the system and the officers. As to the officers of this Bureau immediately under my eye, I have, without undue assumption, great pride in testifying to their zeal, their apt intelligence, their untiring industry and absorbing devotion in the public service.

In view of the important and delicate service you have confided to my administration, I cannot refrain from the expression of my grateful acknowledgment to you and to the eminent public servant who acts as your assistant for the patient and courteous consideration you have given to all my applications, and for the enlightened, judicious, and prompt instructions by which you have authorized and enabled me to execute your orders. Of the nature, the extent, the intricacy, and the delicacy of the duties to be performed by the conscription authorities, you have, and what is extremely rare in the country, a full and clear comprehension, and in their performance you have generously permitted me to avail myself habitually of your direct and minute counsels.

JOHN S. PRESTON,
Colonel and Superintendent.

E.—VIRGINIA.

	December.	January.	February.	March.	Total.
Number enrolled	459	503	1,476	786	3,224
Number exempt:					
By law and orders	313	241	454	229	1,237
By boards of examination	143	312	1,735	1,244	3,434
Conscripts assigned	223	361	859	595	2,038
Volunteers assigned	59	74	29	4	166
Deserters returned to Army	503	575	492	590	2,160
Increase to Army	785	1,010	1,380	1,189	4,364
Conscripts detailed in the State to—					
Ordnance Department	1,460	1,002	1,004	1,266	.....
Niter and Mining Bureau	1,951	1,172	1,178	1,372	.....
Quartermaster's Department	1,047	211	221	564	.....
Subsistence Department	178	92	96	187	.....
Express company	8	.....	.....	.....	.....
Telegraph company	27	23	23	39	.....
Railroad companies	410	48	50	52	.....
Navy	525	19	22	22	.....
Medical Department	154	15	15	44	.....
Government contractors	.....	.....	.....	.....	.....
Miscellaneous	1,341	379	393	620	.....
Total	*7,711	2,961	3,002	4,166	.....

Total number detailed April 1, 1864, 4,166.

*According to the factors of this column the sum total should be 7,101. An evident error exists somewhere in the figures.

F.—NORTH CAROLINA.

	December.	January.	February.	March.	Total.
Number enrolled	375	250	244	1,029	1,898
Number exempt:					
By law and orders					
By boards of examination					
Conscripts assigned	386	204	198	856	1,644
Volunteers assigned					
Deserters returned to Army	404	322	363	253	1,342
Increase to Army	790	526	561	1,109	2,986
Conscripts detailed in the State to—					
Ordnance Department	651	555	529	530	
Niter and Mining Bureau	520	425	550	603	
Quartermaster's Department	550	491	203	234	
Subsistence Department	264	247	245	351	
Express company	66	66			
Telegraph company	22				
Railroad companies	261	70	79		
Navy	176	107	109	122	
Medical Department	66	58	58	58	
Government contractors					
Miscellaneous	418	155			
State quartermaster			268	265	
State factories			35	35	
State salt-works			139	148	
State ordnance department			52	52	
Total	2,915	2,174	2,267	2,614	

Total number detailed April 1, 1864, 2,614.

G.—SOUTH CAROLINA.

	December.	January.	February.	March.	Total.
Number enrolled	480	476	393	279	1,628
Number exempt:					
By law and orders	143	274	223	28	668
By boards of examination	428	256	256	215	1,155
Conscripts assigned	193	373	143	197	906
Volunteers assigned	46	286	545	312	1,189
Deserters returned to Army	256	270	190	189	905
Increase to Army	495	929	878	698	3,000
Men detailed in the State to—					
Ordnance Department	36	52	43		
Niter and Mining Bureau	1	3	3		
Quartermaster's Department	22	75	47		
Subsistence Department	9	39	34		
Express company					
Telegraph company					
Railroad companies	35	56	57		
Navy	19	15	16		
Medical Department	28	37			
Government contractors			256		
Miscellaneous	229	343	181		
Total	375	620	672		

All details revoked. New ones to be granted under the act of Congress approved February 17, 1864.

H.—GEORGIA.

	December.	January.	February.	March.	Total.
Number enrolled	293	282	529	720	1,824
Number exempt:					
By law and orders	154	169	183	72	581
By boards of examination	78	262	374	69	783
Conscripts assigned	376	192	335	637	1,540
Volunteers assigned	5	.....	.....	.....	5
Deserters returned to Army	354	438	507	621	1,920
Increase to Army	735	630	842	1,258	3,465
Men detailed in the State to—					
Ordnance Department	2,267	2,403	2,474	1,059	.....
Niter and Mining Bureau	125	125	128	233	.....
Quartermaster's Department	136	147	147	210	.....
Subsistence Department	52	57	60	96	.....
Express company	50	53	53	73	.....
Telegraph company	4	5	5	3	.....
Railroad companies	31	52	42	13	.....
Navy	59	63	65	91	.....
Medical Department	47	47	49	40	.....
Government contractors	.....	.....	.....	4	.....
Miscellaneous	764	845	961	1,056	.....
Total	3,535	3,772	3,984	2,858	.....

Total detailed in State April 1, 1864, 2,858.

I.—EAST TENNESSEE AND KENTUCKY.

	December, 1863.	January, 1864.	February, 1864.	March, 1864.	Total.
Number enrolled	28	57	229	106	420
Number exempt:					
By law and orders	.....	38	135	87	260
By boards of examination	2	141	112	56	311
Conscripts assigned	25	36	107	127	295
Volunteers assigned	.....	132	.....	.....	132
Deserters returned to Army	8	132	78	42	260
Increase to Army	33	168	185	169	555
Men detailed in the State to—					
Ordnance Department	.....	.....	.....	.....	.....
Niter and Mining Bureau	.....	.....	1	539	540
Quartermaster's Department	.....	.....	5	7	12
Subsistence Department	.....	.....	1	27	28
Express company	.....	.....	.....	.....	.....
Telegraph company	.....	.....	.....	.....	.....
Railroad companies	.....	.....	.....	.....	.....
Navy	.....	.....	.....	.....	.....
Medical Department	.....	.....	2	2	4
Government contractors	.....	.....	31	31	62
Miscellaneous	.....	.....	82	66	148
Total	28	10	122	672	832

J.—FLORIDA.

	January, 1864.	February, 1864.	March, 1864.	Total.
Number enrolled	166	484	197	847
Number exempt:				
By law and orders	82	258	74	414
By boards of examination	10	154	116	280
Conscripts assigned	54	78	20	152
Volunteers assigned				
Deserters returned to Army	8	2	38	48
Increase to Army	62	80	58	200
Men detailed in the State to—				
Quartermaster's Department	4	3		7
Medical Department	1	1		2
Subsistence Department			3	3
Total	5	4	3	12

NOTE.—Florida was turned over to the jurisdiction of the Bureau of Conscription by Special Orders, No. 310, Adjutant and Inspector General's Office, December 31, 1863.

K.—ALABAMA.

	January, 1864.	February, 1864.	March, 1864.	Total.
Conscripts enrolled				
Number exempt:				
By law and orders	8,835			8,835
By boards of examination				
Conscripts assigned	357	232	151	740
Volunteers assigned	374	442		816
Deserters returned to Army	885	250		1,135
Increase to Army	1,616	924	151	2,691
Men detailed in the State to—				
Ordnance Department	387			387
Niter and Mining Bureau	23			23
Quartermaster's Department	167			167
Subsistence Department	40			40
Express company	22			22
Telegraph company	5			5
Railroad companies	1,062			1,062
Navy				
Medical Department	44			44
Government contractors	480			480
Miscellaneous	125			125
Total	2,355			2,355

NOTE.—Lieutenant-Colonel Lockhart was assigned to duty as commandant of Alabama February 29, 1864. His full report for March not yet received; therefore can only give the number assigned through camp of instruction.

L.—MISSISSIPPI.

	January, 1864.	February, 1864.	March, 1864.	Total.
Conscripts enrolled				
Number exempt:				
By law and orders	8,511			8,511
By boards of examination				
Conscripts assigned	100	78	20	198
Volunteers assigned	116	25	8	149
Deserters returned to Army	440	62	34	536
Increase to Army	656	165	62	883
Men detailed in the State to—				
Ordnance Department	405			405
Niter and Mining Bureau	13			13
Quartermaster's Department	123			123
Subsistence Department	57			57
Express company	14			14
Telegraph company	14			14
Railroad companies	45			45
Navy				
Medical Department	36			36
Government contractors	247			247
Miscellaneous	22			22
Total	976			976

On 15th of February camp removed to Demopolis on account of invasion of the enemy. Owing to the invasion of the enemy the business of conscription was nearly suspended during the whole month of March.

M.—RECAPITULATION.

	Virginia.	North Carolina.	South Carolina.[a]	Georgia.	East Tennessee and Kentucky.	Florida.	Alabama.	Mississippi.	Total.
Conscripts enrolled	3,224	1,898	1,622	1,824	420	870	(b)	(b)	9,835
Conscripts exempt:									
By law and orders	1,237		668	581	263	414	8,835	8,511	20,509
By boards of examination	3,434		1,155	783	311	280	(b)	(b)	5,963
Conscripts assigned	2,038	1,044	906	1,540	295	152	740	198	7,513
Volunteers assigned	166		1,139	5			816	149	2,325
Deserters returned to Army	2,160	1,342	905	1,920	260	48	1,135	536	8,306
Increase to Army	4,364	2,986	3,000	3,465	555	201	2,691	883	18,145
Men detailed to—									
Ordnance Department	1,266	530		1,059			387	405	3,647
Niter and Mining Bureau	1,372	603		233	559		23	13	2,783
Quartermaster's Department	564	234		210	7		167	123	1,305
Subsistence Department	187	351		96	27	3	40	57	761
Express company				73			22	14	109
Telegraph company	39			3			5	14	61
Railroad companies	52			13			1,062	45	1,172
Navy	22	122		91					235
Medical Department	49	58		40	2		44	36	225
Government contractors				4	31		480	147	642
Miscellaneous	620			1,056	66		125	22	1,889
State quartermaster's department.		265							265
State factories		35							35
State salt-works		148							148
State ordnance department		52							52
Total	4,166	2,114		2,858	672	3	2,353	976	13,142

a All details revoked. New ones to be issued under late law.
b Not known.

N.—SUMMARY.

From the reports now in this Bureau, it appears that for the months of December, January, February, and March, 7,513 conscripts were assigned to the Army, 2,325 volunteers were assigned to the Army, 8,306 deserters were returned to the Army—18,144 increase to the Army.

The reports of the number of persons exempted by law and orders of the War Department are not complete. The number so reported in North Carolina has not been fully reported, and the commandant has been directed to furnish this information.

In Alabama and Mississippi the number exempt by law and orders up to 1st of January is given, but not the number exempt by boards of examination.

The total number of persons detailed in Alabama and Mississippi is not known, as the reports of the number detailed is up to the 1st of January, 1864.

Taking the number detailed in those States at that time, there are 13,142 conscripts detailed.

Upon the same reports, exclusive of North Carolina, there are 20,435 conscripts exempted by law and orders, 5,847 conscripts exempted by boards of examination.

The commandants of Alabama and Mississippi have been written to to furnish a complete report of the operations of conscription in those States, and as soon as their reports are received they will be forwarded. It is a matter of much difficulty to obtain accurate reports from these States, owing to the confusion of the service and to the very meager reports (in some instances none) from no records having been kept. All these details and exemptions are now revoked, and new ones will have to be issued under the late act of Congress, which went into operation on the 1st of April, 1864.

[APRIL 30, 1864.—For Davis to Chesnut, relative to the organization of the reserve force in South Carolina, see Series I, Vol. LIII, p. 329.]

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, April 30, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: I have just received a communication addressed you by Colonel Bayne of the 2d instant,* and indorsed by you on the 4th, requesting a reply to certain inquiries of the Quartermaster-General respecting contracts to pay for supplies for his department in cotton. Since the late act of Congress and the regulations issued in execution thereof, it seems to me that the policy of the Government on that subject is changed, and that no new contracts should be made for the delivery of cotton in payment of contracts. It would be better to put an end to some of the existing contracts and take to the Government the benefit of the entire shipment of Government cotton. The difficulty which meets every arrangement is transportation; and inasmuch

*Not found.

as only a very limited amount can be transported to the Atlantic ports, there will be a continual contest for that amount. The demands upon the Government abroad require that it should have the preference in shipments. Every contract, therefore, which gives to individuals a right to ship cotton is so far an injury to the Government. It would be better, it seems to me, for the Government to ship on its own account all the cotton which it can transport, and from the proceeds of sale to pay for supplies in money abroad.

Respectfully,

C. G. MEMMINGER,
Secretary of the Treasury.

[Indorsement.]

MAY 4, 1864.

To Colonel Bayne for remarks.*

J. A. S.,
Secretary.

RICHMOND, *May 2, 1864.*

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

You are assembled under circumstances of deep interest to your country, and it is fortunate that, coming as you do newly elected by the people and familiar with the condition of the various localities, you will be the better able to devise measures adapted to meet the wants of the public service without imposing unnecessary burdens on the citizen. The brief period which has elapsed since the last adjournment of Congress has not afforded sufficient opportunity to test the efficacy of the most important laws then enacted, nor have the events occurring in the interval been such as materially to change the state of the country.

The unjust war commenced against us in violation of the rights of the States, and in usurpation of power not delegated to the Government of the United States, is still characterized by the barbarism with which it has heretofore been conducted by the enemy. Aged men, helpless women, and children appeal in vain to the humanity which should be inspired by their condition for immunity from arrest, incarceration, or banishment from their homes. Plunder and devastation of the property of non-combatants, destruction of private dwellings, and even of edifices devoted to the worship of God; expeditions organized for the sole purpose of sacking cities, consigning them to the flames, killing the unarmed inhabitants, and inflicting horrible outrages on women and children, are some of the constantly recurring atrocities of the invader. It cannot reasonably be pretended that such acts conduce to any end which their authors dare avow before the civilized world, and sooner or later Christendom must mete out to them the condemnation which such brutality deserves. The suffering thus ruthlessly inflicted upon the people of the invaded districts has served but to illustrate their patriotism. Entire unanimity and zeal for their country's cause have been pre-eminently conspicuous among those whose sacrifices have been the greatest. So the Army, which has borne the trials and dangers of the war, which has been subjected to privations and disappointments (tests of manly fortitude

* See Bayne to Seddon, May 13, p. 423.

far more severe than the brief fatigues and perils of actual combat), has been the center of cheerfulness and hope. From the camp comes the voice of the soldier patriots invoking each who is at home, in the sphere he best may fill, to devote his whole energies to the support of a cause in the success of which their confidence has never faltered. They—the veterans of many a hard-fought field—tender to their country, without limit of time, a service of priceless value to us, one which posterity will hold in grateful remembrance.

In considering the state of the country the reflection is naturally suggested that this is the Third Congress of the Confederate States of America. The Provisional Government was formed, its Congress held four sessions, lived its appointed term, and passed away. The permanent Government was then organized, its different departments established, a Congress elected, which also held four sessions, served its full constitutional term, and expired. You, the Second Congress under the permanent Government, are now assembled at the time and place appointed by law for commencing your session. All these events have passed into history, notwithstanding the threat of our prompt subjugation made three years ago by a people that presume to assert a title to govern States whose separate and independent sovereignty was recognized by treaty with France and Great Britain in the last century, and remained unquestioned for nearly three generations. Yet these very governments, in disregard of duty and treaty obligations which bind them to recognize as independent Virginia and other Confederate States, persist in countenancing by moral influence, if not in aiding by unfair and partial action, the claim set up by the Executive of a foreign Government to exercise despotic sway over the States thus recognized, and treat the invasion of them by their former limited and special agent as though it were the attempt of a sovereign to suppress a rebellion against lawful authority. Ungenerous advantage has been taken of our present condition, and our rights have been violated, our vessels of war detained in ports to which they had been invited by proclamations of neutrality, and in one instance our flag also insulted where the sacred right of asylum was supposed to be secure; while one of these governments has contented itself with simply deprecating, by deferential representations, the conduct of our enemy in the constantly recurring instances of his contemptuous disregard of neutral rights and flagrant violations of public law. It may be that foreign governments, like our enemies, have mistaken our desire for peace, unreservedly expressed, for evidence of exhaustion, and have thence inferred the probability of success in the effort to subjugate or exterminate the millions of human beings who, in these States, prefer any fate to submission to their savage assailants. I see no prospect of an early change in the course heretofore pursued by these governments; but when this delusion shall have been dispelled and when our independence by the valor and fortitude of our people shall have been won against all the hostile influences combined against us, and can no longer be ignored by open foes or professed neutrals, this war will have left with its proud memories a record of many wrongs which it may not misbecome us to forgive, some for which we may not properly forbear from demanding redress. In the meantime it is enough for us to know that every avenue of negotiation is closed against us; that our enemy is making renewed and strenuous efforts for our destruction, and that the sole resource for us as a people secure in the justice of our cause and holding our liberties to be more precious

than all other earthly possessions, is to combine and apply every available element of power for their defense and preservation.

On the subject of the exchange of prisoners I greatly regret to be unable to give you satisfactory information. The Government of the United States, while persisting in failure to execute the terms of the cartel, make occasional deliveries of prisoners and then suspend action without apparent cause. I confess my inability to comprehend their policy or purpose. The prisoners held by us, in spite of humane care, are perishing from the inevitable effects of imprisonment and the homesickness produced by the hopelessness of release from confinement. The spectacle of their suffering augments our longing desire to relieve from similar trials our own brave men who have spent so many weary months in a cruel and useless imprisonment, endured with heroic constancy. The delivery, after a suspension of some weeks, has just been resumed by the enemy; but as they give no assurance of intent to carry out the cartel, an interruption of the exchange may recur at any moment.

The reports of the departments, herewith submitted, are referred to for full information in relation to the matters appertaining to each. There are two of them on which I deem it necessary to make special remark. The report of the Secretary of the Treasury states facts justifying the conclusion that the law passed at the last session for the purpose of withdrawing from circulation the large excess of Treasury notes heretofore issued has had the desired effect, and that by the 1st of July the amount in circulation will have been reduced to a sum not exceeding $230,000,000. It is believed to be of primary importance that no further issue of notes should take place, and that the use of the credit of the Government should be restricted to the two other modes provided by Congress, viz, the sale of bonds and the issue of certificates bearing interest for the price of supplies purchased within our limits. The law as it now stands authorizes the issue by the Treasury of new notes to the extent of two-thirds of the amount received under its provisions. The estimate of the amount funded under the law is shown to be $300,000,000, and if two-thirds of this sum be reissued we shall have an addition of $200,000,000 to our circulation, believed to be already ample for the business of the country. The addition of this large sum to the volume of the currency would be attended by disastrous effects and would produce the speedy recurrence of the evils from which the funding law has rescued the country. If our arms are crowned with the success which we have so much reason to hope, we may well expect that this war cannot be prolonged beyond the current year, and nothing would so much retard the beneficent influence of peace on all the interests of our country as the existence of a great mass of currency not redeemable in coin. With our vast resources the circulation, if restricted to its present volume, would be easily manageable, and by gradual absorption in payment of public dues would give place to the precious metals, the only basis of a currency adapted to commerce with foreign countries. In our present circumstances I know of no mode of providing for the public wants which would entail sacrifices so great as a fresh issue of Treasury notes, and I trust that you will concur in the propriety of absolutely forbidding any increase of those now in circulation.

Officers have been appointed and dispatched to the trans-Mississippi States and the necessary measures taken for the execution of the laws enacted to obviate delays in administering the Treasury and other Executive Departments in those States, but sufficient time has not elapsed to ascertain the results.

In relation to the most important of all subjects at the present time, the efficiency of our armies in the field, it is gratifying to assure you that the discipline and instruction of the troops have kept pace with the improvement in material and equipment. We have reason to congratulate ourselves on the results of the legislation on this subject, and on the increased administrative energy in the different bureaus of the War Department, and may not unreasonably indulge anticipations of commensurate success in the ensuing campaign.

The organization of reserves is in progress, and it is hoped they will be valuable in affording local protection without requiring details and detachments from active force.

Among the recommendations contained in the report of the Secretary of War, your attention is specially invited to those in which legislation is suggested on the following subjects, viz:

The tenure of office of the general officers in the Provisional Army, and a proper discrimination in the compensation of the different grades.

The provision required in aid of invalid officers who have resigned in consequence of wounds or sickness contracted while in service.

The amendment of the law which deprives officers in the field of the privilege of purchasing rations, and thus adds to their embarrassment, instead of conferring the benefit intended.

The organization of the general staff of the Army, in relation to which a special message will shortly be addressed to you, containing the reasons which compel me to withhold my approval of a bill passed by your predecessors at too late a period of the session to allow time for returning it for their reconsideration.

The necessity for an increase in the allowance now made for the transportation of officers traveling under orders.

The mode of providing officers for the execution of the conscript laws.

The means of securing greater dispatch and more regular administration of justice in examining and disposing of the records of cases reported from the courts-martial and military courts in the Army.

The recent events of the war are highly creditable to our troops, exhibiting energy and vigilance combined with the habitual gallantry which they have taught us to expect on all occasions. We have been cheered by important and valuable successes in Florida, Northern Mississippi, Western Tennessee and Kentucky, Western Louisiana, and Eastern North Carolina, reflecting the highest honor on the skill and conduct of our commanders, and on the incomparable soldiers whom it is their privilege to lead. A naval attack on Mobile was so successfully repulsed at the outer works that the attempt was abandoned, and the nine-months' siege of Charleston has been practically suspended, leaving that noble city and its fortresses imperishable monuments to the skill and fortitude of its defenders. The armies in Northern Georgia and in Northern Virginia still oppose with unshaken front a formidable barrier to the progress of the invader, and our generals, armies, and people are animated by cheerful confidence.

Let us, then, while resolute in devoting all our energies to securing the realization of the bright auspices which encourage us, not forget that our humble and most grateful thanks are due to Him without whose guidance and protecting care all human efforts are of no avail, and to whose interposition are due the manifold successes with which we have been cheered.

JEFFERSON DAVIS.

GENERAL ORDERS, No. 45. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, May 2, 1864.*

I. To prevent straggling in the Army, commanding officers, upon the receipt of orders to move from one command to another, will forward to the general commanding to whom he is ordered to report a field return, which will exhibit the present strength of their commands. When their destination is reached a like return will be made to the same commander, upon which the number and names of the absentees and the cause of their absence will be stated. Similar returns will be forwarded to the Adjutant and Inspector General. Officers will be held strictly accountable by commanding generals for any straggling that may occur with their troops.

II. Special attention is called to the appropriation by impressment of horses for cavalry service. It is without warrant of law and will not be allowed under any circumstances whatever. Commanding generals and inspecting officers will promptly report to this office any violation of this order.

III. Prisoners captured south of Richmond will be sent direct to Andersonville, Sumter County, Ga.

IV. Special agents to make purchases or secure shipment of supplies will not be sent to any foreign port except in cases of most urgent necessity, of which necessity report will be made immediately to the Secretary of War. All purchases will be made by agents under orders from the Secretary of War, or by officers charged with the export and importation of cotton and purchase of foreign supplies, or by officers or agents acting under express authority from the general commanding the Trans-Mississippi Department.

V. All horses impressed by the Government sold or in any manner assigned to officers will be immediately restored to the Quartermaster's Department, to be appropriated to the public service as contemplated by law. Such sales and assignments by order of a commanding general are prohibited and will not be sanctioned.

VI. Every officer hereafter appearing in behalf of a prisoner on trial before a military court or court-martial will do so only upon the condition and understanding that he is under a pledge of honor that he has not and will not receive compensation therefor.

VII. The Bureau of Conscription will proceed at once to organize into companies and cause to be mustered into service the reserve forces in the several States enrolled in pursuance of General Orders, No. 33, Adjutant and Inspector General's Office, current series. For this purpose district enrolling officers are authorized to act as mustering and inspecting officers. They will superintend the election of company officers, and forward the muster-rolls certified by them, with the certificates of election, to the commandant of conscripts for the State in which such companies may be organized, to be by him turned over to the general commanding the reserve forces.

VIII. Upon receiving the muster-rolls the general commanding the reserve forces will issue orders placing in commission and upon duty the officers named in the certificates, if competent; and, reserving copies, will forward the original rolls, with certified copies of their orders inclosed, to this Bureau for file. If there be reason to doubt the competency of an officer elect, his qualifications and fitness for commission will be inquired into and reported upon by a board to be convened by the general commanding, in accordance with General

Orders, No. 39, Adjutant and Inspector General's Office, series of 1862.

IX. Each company of infantry must consist of at least sixty-four privates; of cavalry, sixty privates; of artillery, eighty-four privates. The muster into service of new companies in the reserve forces having a less number of privates is positively prohibited.

X. Paragraph XVII, General Orders, No. 42, current series, is thus amended:

The tobacco ration issued to enlisted men will be one pound per month.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *May 2, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: On the 26th ultimo I had the honor to address the Honorable Secretary of the Treasury asking his construction of the thirteenth regulation. My letter is returned with the following indorsement:

* * * * * * *

When cotton is delivered by the Government to a vessel for freight or supplies upon a contract approved by the Treasury Department, the whole quantity can be shipped without hindrance, and the Government only claims one-half the remaining tonnage.

I have not understood that contracts for supplies and munitions of war would require any other approval than yours, and I have supposed that such cotton as the War Department might pay for importations, or freight upon the same, would become entitled to the privilege of the thirteenth regulation upon the certificate of the agent of the War Department at the port of entry that it had been so paid. The Honorable Secretary of the Treasury's indorsement seems to convey a different impression, and I have the honor, therefore, to request specific instructions upon these points. In this connection I beg to invite your attention to a question of some importance which it would be well to decide distinctly at once. From what appropriation will the cotton needed to pay for importations and freight on same be purchased? Will the importations and the freight be paid for out of the $20,000,000 appropriation for the purpose of making "purchases of cotton, naval stores, and other produce, under the direction of the President, to meet the engagements of the Government and to purchase necessary army, navy, and other supplies?" Or will each bureau and department provide out of its appropriation the funds to purchase cotton to cover cost of the importations for its account? My own opinion is that the first view is the correct one. The second would entail upon the agents of the War Department the very complications it has been so long the object to get rid of. Every bureau and department would have a cotton account, and it would be difficult, if not impossible, to bring forward to the ports the proportions needed by the several bureaus and departments. The plan proposed is to have at each port one stock of cotton and one disbursing agent, who would pay for such importations and freights as were chargeable to any department of the Government. It is the simplest and best, and, as it seems to me, the one contemplated by the language

of the $20,000,000 appropriation, as well as by the "regulations for the purchase, transportation, and shipment abroad of tobacco, cotton, &c.," established by yourself and the Honorable Secretaries of the Navy and the Treasury, and approved by the President, for, manifestly, if you had not so thought, the seventh regulation, which provides for the transfer to the Treasury Department of the cotton, &c., now owned by the various departments, would have been omitted, inasmuch as such departments would have to make other purchases to pay for importations and freights.

Very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 2, 1864.

Maj. Gen. HOWELL COBB:

GENERAL: I have regretted being unable sooner to reply to the inquiries of your letter to General Cooper on the subject of local reserves, but hope that no inconvenience has resulted, as I had full conference with Colonel Browne, of the President's staff, before his departure to superintend conscription in Georgia, and requested him to confer with you and explain fully the views of the Department.

There is no doubt that before the expiration of the thirty days after notice allowed by the law organizations may be formed by volunteering under the law, and that such should be received with the officers elected by the men. Upon the expiration of the thirty days the men enrolled (being called together in each county or more convenient divisions) will be arranged into companies and allowed to elect their officers, and then turned over to you for organization. I would have preferred to have the men simply enrolled and turned over to you, but I did not see how, without a double set of officers, the agencies of the Conscript Bureau could well be dispensed with in the arrangement into companies and the preliminary steps to organization. Further than may be necessary for the purposes of organization, I do not deem it desirable to have these local reserves either placed or kept in camps. My own conviction of policy is very decided that the men of the reserves should be as little taken from their homes and avocations as possible, and should only be called into service in great emergencies or to repel raids. This opinion is likewise entertained by the President in somewhat less degree, and he may be disposed to call them into service somewhat more freely.

The general rule, however, will undoubtedly be retention at home. The possibility of doing this and yet holding the men organized and ready for service just as quick and for as brief a period as may be necessary, constitutes the great advantage of this organization over that of militia or State forces.

I will endeavor to secure as large a measure of exemption from active service as may be at all consistent with defense. Some few companies or regiments may constitute an exception, as some of the local forces will be required for guards in towns and at bridges or prisons, and I think some of the organizations already formed as special service ones (which contemplated something like general employment) should be selected, or some should be formed specially of material most easily to be spared, with a view to these kinds of service.

In the selection of officers men in active service cannot be chosen from the field even for promotion except under the liability of having their acceptance approved by the superior officers, and, indeed, I do not think it advisable attention should be called to the selection of such, as the refusal of the superiors in the field is the most probable, and the officers thus precluded would be apt to feel aggrieved.

Many very efficient officers may be obtained from the invalided and retired class or from those by various circumstances thrown out of active service, and it is very desirable the selection should be from them. The companies heretofore formed for special service should be required to conform their engagements to service in the State, and then be retained as reserves. If they do not consent they can, whenever desirable, be disbanded and the material organized into companies of the reserves. They will probably prefer generally to maintain these organizations and will readily conform.

You will exercise your discretion as to the various branches of the service into which you will throw the reserves. There should undoubtedly be some cavalry and artillery, but the proportion and the localities where to be raised or stationed are for your judgment. Every effort will be made to properly arm and equip the reserve forces, and requisitions should be made by you or the proper bureau as for armies in the field. Of course, with our limited resources, those organizations most likely to be called on from the exposure of the localities, and those reputed to be kept most constantly in service, will be prepared and first supplied. In regard to the care of the arms, I had supposed they might be safely intrusted to the possession of the men; but if you think otherwise, and that they had better be kept stored in convenient depots, you will adopt that course.

Quartermasters, surgeons, &c., should, as far as practicable, be found among the men of the reserves, and should hold office and receive compensation as the men when in service. Some few might be necessary for more permanent service, and should be so appointed.

In relation to brigadiers, General Jackson will probably be assigned you, and Colonel Gartrell appointed as soon as his brigade is organized. The President conceives he cannot properly appoint before such organization. The same rule will be followed should other brigadiers be required.

I believe I have covered all the points of your letter. I did not answer fully your last letter, because I had explained my views in reference to the policy of pursuing the conscript system rather than relying on volunteering, and I had no satisfaction in recurring to a subject when I had the misfortune to dissent from one in whose judgment I habitually placed great reliance.

With my best wishes, most cordially yours,

JAMES A. SEDDON,
Secretary of War.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., May 2, 1864.

Brig. Gen. GEORGE T. ANDERSON:

SIR: I hereby acknowledge the receipt of your letter of the 14th ultimo,* accompanied by the resolutions which purport to have been "almost unanimously adopted" by the men composing your brigade,

*Not found.

condemning my action in convening the Legislature in extra session, and denouncing my message and the action of the Legislature as "unwise and unpatriotic" and intended to "subserve partisan interests." The preamble also speaks of the willingness of those whom you denounce to sacrifice everything to "self-aggrandizement and personal ambition" and of "prostituting the dignity of high office to the accomplishment of unholy ends."

Those who deal thus with the actions and motives of others should be prompted only by the most lofty patriotism and the purest motives, and should themselves be above suspicion of "personal ambition for self-aggrandizement" or of a desire to "subserve partisan interests."

How will the motives and acts of those who were the originators and managers of this meeting, and who covered the President with laudation so fulsome as to be offensive to modest merit, while they denounced the acts and impugned the motives of the Governor and Legislature of their own State, stand the test of the just rule above mentioned?

If I mistake not, the name of the chairman of the meeting, who is a brigadier-general, has been mentioned by his friends for promotion to the position of major-general. Neither the Governor nor the Legislature of his State has any power under the acts of Congress to grant the promotion. It can come from the President alone.

The secretary of the meeting, himself a lieutenant-colonel, can be made colonel only at the will of the President. The orator of the occasion, now a captain, cannot expect promotion from the State authorities. The same may probably be said of most of the others who were prominent in this meeting. While I do not charge upon them a desire to "accomplish unholy ends" for "self-aggrandizement," I must leave it to others to say whether the judgment of condemnation pronounced by them was entirely unbiased by personal ambition and a desire for self-promotion. I apprehend the way-worn private soldier upon his weary march by day and his lonely watch by night, who serves his country only for his country's good, while he meets the enemy in deadly conflict at the hazard of his life, can look for no personal promotion from the President which will give him high command or historic fame, has taken a more just and less excited view of this subject.

The helpless families, so dear to many of the gallant men whom you command, as well as of thousands of other brave sons of Georgia now in military service, were dependent upon the action of the Governor and Legislature of your State for bread.

The act of Congress which you so highly approved had depreciated the Confederate currency in the treasury of the State till it would no longer purchase the bread which they must have or they must die of hunger. In this condition of things the extra session which you denounce was called. The currency with which bread can be purchased was provided, and provision was made which it is hoped will secure its transportation to and save their lives.

Was this an "unhallowed purpose;" and did it accomplish an "unholy end?" I am willing for the hardy sons of toil who obey your orders and whose wives and little ones at home are dear to them to judge, and I am content to abide their decision.

The Governor and Legislature of your State whom you denounce have appropriated for this year nearly $10,000,000 to feed and clothe the suffering wives, and widows, and orphans, and soldiers, and to

put shoes upon the feet and clothes upon the backs of soldiers themselves, who are often destitute and cannot get supplies from the Confederate Government. Is this an "unholy end" for which they deserve your denunciation?

But you and those who act with you complain of the resolutions passed by the Legislature in response to my message, on the subject of the suspension of the habeas corpus, and those relative to the terms upon which peace should be sought. Whatever may be the opinion of those officers who managed the meeting over which you presided, I venture to say that not one private soldier in every ten in your brigade believes it is the right of Congress to suspend the privilege of the writ of habeas corpus, and authorize the President to arrest the people and send them in irons to the islands or dungeons of other States, and confine them at his pleasure, and to deny to the courts the right to inquire into the cause of the imprisonment, or to place the case upon the docket, and give the accused the benefit of the speedy and impartial trial guaranteed to him by the Constitution of his country.

This is not the constitutional liberty which so many Georgians have died to defend. He who possesses this control over the personal liberties of the people has in his hands the powers of a monarch, call him by what name you may.

Again, I apprehend the private soldiers under your command, whose official promotion and self-importance do not depend upon a continuance of the war, will be unable to discover any dishonor in the resolutions of the General Assembly of their State upon the subject of peace. The Legislature has declared that negotiation as well as the sword has its proper part to perform in terminating this bloody struggle. The terms of adjustment proposed by the Legislature are the identical terms by which South Carolina, Georgia, Virginia, and the other States of the Confederacy stood the day that each seceded from the Union. If they were right then, why are they wrong now? What soldier, who has no stars and has no office, would not be glad to see the struggle transferred upon these principles from the battle-field to the ballot box, as proposed by the resolutions of the Legislature of your State, which seem to meet your hearty condemnation.

In conclusion permit me to remark that I have the most reliable information from your brigade since the meeting that what purports to be the almost unanimous action of those who compose it, meets the sanction of but a very small fraction of it. The resolutions were, as I am informed, prepared by some of the officers before the men were convened. When called for to ratify what the officers, without consulting them, had concocted, a comparatively small part of the brigade attended, and of those present a smaller part voted, and of that small number part voted against the resolutions, and the meeting adjourned amid cheers which resounded through your camp for him whom it was the purpose of the managers of the meeting to condemn.

All know the great advantage which the officers have over the men in the management of an affair of this kind. The officers are accustomed to command, the men to obey. They cannot meet their officers on an equality and condemn their action, but it seems they can by spontaneous acclamation in the camps, when they feel that injustice has been done, testify their approbation without being individually marked by those who have the power over them.

Begging you to assure the men under your command that I shall continue to do everything in my power to protect and defend the great principles of constitutional and personal liberty for which they

are fighting, and to clothe and feed their helpless wives and little ones in their absence, and to relieve their own wants when they are suffering for clothing which they cannot get from the Confederacy,

I am, very respectfully, your obedient,

JOSEPH E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 2, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina, Raleigh, N. C.:

SIR: Major-General Whiting has referred to this Department the correspondence between yourself and him relative to the exemption of D. L. Russell, under your claim for his discharge that he is an officer of the State of North Carolina. No act of Congress has provided for the discharge of any person belonging to the Army from service in consequence of his election to an office, either by the State or Confederate Government, except the act of April 2, 1863. That act provides that any person who has been elected or appointed since entering the military service, or who may be thereafter elected or appointed a Senator or Representative in Congress or in any State Legislature, judge of the circuit, district, or superior courts of law or equity in any State of the Confederacy, district attorney, clerk of any court of record, judge of any court of probate, collector of State taxes, not to exceed one for each county, parish recorder, upon proof of his election or appointment, shall be permitted to resign if he be an officer, or if a non-commissioned officer or private, shall be discharged.

All the conscription acts provide for continuing in the Army those who belong to it, and the exemption allowed by the acts plainly refer to persons who are not in the Army, but who are made liable to conscription.

The acts relative to the exemption of State officers refer only to such persons. The fourth section of the act of May 1, 1863, provides that, in addition to the enumerated officers mentioned in previous acts, there should be exempted all State officers whom the Governor of the State may claim to have exempted for the due administration of the laws and government thereof; but the exemption shall not continue in any State after the adjournment of the next regular session of its Legislature, unless such Legislature shall by law exempt them from military duty in the Provisional Army of the Confederate States.

By the military act of the 17th of February last Congress repealed all laws exempting persons from military service, and provided that none should be exempt but those enumerated in that act. The question presented, then, is, what is the condition of Mr. Russell under this act? The second section of the act placed in the service those between seventeen and fifty—all residents in the Confederate States not belonging to the Army—for the war. From this class exemptions were to be made. Among the exemptions are such State officers as the Governor of any State might certify to be necessary to the proper administration of the State government. The Department does not in any case go behind the certificate of the Governor of the State to ascertain whether the person be an officer or whether his services are required for the administration of the government. But the person claimed must be one who does not belong to the Army.

The person in the Army is already in the service of the Confederate States under the laws of the Confederacy, and no power exists to

withdraw him from that service, except in the cases provided by those laws. This power has not been delegated to the State Executive under the act aforesaid, or any other act.

The facts disclosed by the papers show that Russell was in the service at the date of the act of 17th of February, 1864, and held no office in the State at that time; that he was reduced to the ranks by the sentence of a court-martial, and under the Army Regulations became liable to service in the brigade to which he belonged; that subsequent to this he procured his election, and that upon that election this claim was made on his behalf by you. This question has been frequently presented to the Department, and when the laws and regulations have been explained the decisions of the Department have been acquiesced in.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *May 2, 1864.*

Brig. Gen. FRANCIS T. NICHOLLS,
Lynchburg, Va.:

GENERAL: Your letter of the 4th of April, 1864, inquiring whether officers of the second-class State militia organization between eighteen and forty-five years of age are liable to conscription, has been received.

The Secretary of War directs me to say that if such officers obtain the certificate of the Governor of the State certifying that they are necessary to the further administration of the State government according to the act of Congress of the 17th of February, 1864, and General Orders, No. 26, Adjutant and Inspector General's Office, paragraph XI, their exemption will be allowed; otherwise they are liable to conscription. You will inform the enrolling officer accordingly.

Very respectfully, general, your obedient servant,

SAML. W. MELTON,
Major and Assistant Adjutant-General.

SPECIAL ORDERS, No. 103. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, May 3, 1864.

* * * * * * *

X. Maj. J. C. Denis, assistant adjutant-general, is assigned to duty as commandant of conscripts for the State of Mississippi, and will report to the chief of Bureau of Conscription for orders.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

RICHMOND, *May 3, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: I respectfully report that I have given my attention to the Yankee deserters from U. S. Army since the month of November last,

and I desire to bring before you a subject [I] deem of much importance.

It is important to encourage desertion so far as it can be safely done. The obstacles in the way of this are, first, the bad character and conduct of these people; second, the prejudice of our citizens against them.

First. I cannot doubt that many of these people are destitute of principle, and of the worst habits. Many, I suspect, have been professional thieves and burglars at home. All of them are restless and unwilling to submit to the scant fare, the regular labor, and the restraints to which our people cheerfully submit. The consequence has been the greater part of those put out to work have deserted their employer and are roaming through the country, and some of them commit serious depredations on the persons and property of our people.

Second. The prejudice of our people against them is great. Public opinion has compelled men who wished their service to decline taking them, and in one instance I was informed that if a gentleman in the interior of the State took a deserter who might have been useful to him he would be mobbed.

To avoid incarceration of these people and to promote desertion, some new mode of disposing of them ought to be devised. To this end I have conversed with the vice-consul of France. At first he seemed reluctant to enter into any arrangement, but from a recent conversation I entertain hope I can make an arrangement with him as to Frenchmen and others willing to go to Mexico by which we may get rid of many of these people, the substance of the arrangement to be: The Confederate Government to send them to some port at which they may be sent out of the United States; the men to be sent out at the expense of their Government, and with such papers as the consuls can furnish them; no arrangement to take effect until reported to and sanctioned by you.

If you approve this plan I will proceed to make such arrangements as I can and report it to you for approval.

Very respectfully, yours, &c.,

S. S. BAXTER.

[First indorsement.]

MAY 3, 1864.

Respectfully referred to the Secretary of War.

JNO. H. WINDER,
Brigadier-General.

[Second indorsement.]

MAY 3, 1864.

ASSISTANT SECRETARY:

Mr. Baxter suggests that he can probably make arrangements with the French consul by which we can be relieved of all Frenchmen deserting into our lines from the Yankee Army. The scheme suggested is for the Confederate Government to send to some port and the French Government to furnish means of transportation out of the country. He asks the authority of the Secretary to prosecute his negotiation with the French consul, any arrangement, however, to be subject to the approval of the Secretary of War before it is complete. It is undoubtedly very desirable to encourage desertion in the Federal Army, and if we can, in the mode suggested, be relieved

of the delicate question of policy as to their treatment, it will be very desirable. This question is one of great difficulty and continual embarrassment.

B. R. W., JR.

[Third indorsement.]

MAY 5, 1864.

ASSISTANT SECRETARY:

Such negotiations may be carried on, to be finally submitted when arranged. It will relieve an embarrassment.

J. A. S.,
Secretary.

[Fourth indorsement.]

MAY 6, 1864.

Referred to S. S. Baxter.
By order:

J. A. CAMPBELL,
Assistant Secretary of War.

CIRCULAR No. 20.

BUREAU OF CONSCRIPTION,
Richmond, Va., May 4, 1864.

I. The following extract from General Orders, No. 45, Adjutant and Inspector General's Office, current series, is hereby made a part of this circular:*

II. In the organization of the reserves the officers to be elected must be chosen from the class of reserves. No departure from this rule will be allowed. No person between the ages of eighteen and forty-five is eligible to an office in this corps.

III. Enrolling officers will carefully exclude from the Reserve Corps persons who are not clearly proved to be within the ages of seventeen and eighteen and forty-five and fifty years.

IV. Applications in cases of special merit for the admission of persons as privates, who have been exempted on other than State exemptions or for State service, may be considered and referred to this Bureau; but all such as may be admitted will, when the cause of exemption ceases, be liable to transfer to the general service.

V. All exemptions are made for the benefit of the Government, and the duties of exempts are defined by the causes for which the exemptions are granted. To these duties they must be held as rigidly as they would be to the proper duties if serving in the field. The policy of the Government is that every man between the ages of seventeen and fifty shall perform service which tends to the military strength of the country, and the system of exemptions and details is intended to prescribe and define certain modes of doing this service and the persons allotted to it.

VI. As soon as the company organizations are completed, and the rolls turned over to the generals assigned to command the reserves, the jurisdiction of this Bureau ceases over that class of forces. All applications for renewals of details, or any other proceedings concerning the reserves, must be made direct to the generals commanding. It is understood that after the company organizations are completed the generals commanding entirely supersede the authorities of conscription, so far as this class is concerned.

By order of Col. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

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*See paragraphs VII, VIII, IX (here omitted), p. 369, 370.

MAY 4, 1864.

The following report on subsistence is respectfully submitted to the Secretary of War:

Table of certain articles of subsistence on hand April 1, 1864, and comparative statement of subsistence April 1, 1863 and 1864.

	Cattle.	Bacon and pork.
On hand April 1, 1864:		*Pounds.*
Virginia	2,121	423,000
North Carolina	157	491,456
South Carolina	297	141,921
Georgia	3,274	2,077,369
Florida	.....	336,589
Alabama	110	981,086
Recent importations *a*	.....	500,000
Mississippi *b*	.....	.....
Total	5,959	4,951,421
April 1, 1863	4,461	7,261,555
Increase	1,498	.....
Decrease	.....	2,310,134

The tithe in South Carolina now on hand is estimated at 1,000,000 pounds.

a At Wilmington.

b No report. Several thousand head believed to be on hand in that State.

From this it will be seen that there is an excess on hand this year of cattle and a decrease in bacon.

There is also a very considerable amount secured by the tax in kind; how much cannot be stated in the absence of reports from the tax-in-kind bureau, which could not have been expected to report so soon after the time at which the meat became due under the law, but it is believed that the number of pounds, if the meat can be collected in good condition and properly taken care of, will be sufficient to take the troops well on into the summer, and, with the addition of the supplies now reported on hand and those that are believed to be at Bermuda and Nassau (if the two last shall be in good condition), there will be enough to last them until the fall of the year.

But it is feared that the condition of much of the meat will not be good. Some of that at Bermuda has been lying in that climate nearly one year for want of transportation. The tithe meat has been much of it paid in as soon as due by parties who wished to save the loss that would result from keeping it longer. A great deal of meat so paid is understood to be imperfectly salted and smoked and to be accumulating at points in the interior where it cannot be properly taken care of and whence it cannot be removed, at least with sufficient dispatch, for want of transportation. How far these causes may operate to cut short the supply cannot be estimated.

Under the comparative scarcity of subsistence the Army has been reduced, as is known, to much less than what is called the regulation rations, but it is believed with much less discomfort or suffering to the troops than was anticipated, with but little dissatisfaction on their part, and, it is hoped, with a better effect on their health than was produced by the wasteful issue of full rations. The vegetables issued have been mainly rice and peas. These were all that could be had. Efforts were made to engage cabbages, at least to the extent of hospital supply; but the uncertainty of army movements and hospital necessities, the newness of that sort of culture to our people, and, more than all, the state of the currency indisposed people to make

contracts, even on a comparatively small scale. To furnish such things to the whole Army is obviously impossible. Potatoes, both sweet and Irish, have been issued to hospitals and troops as far as obtained; but it would have been unsafe to make large purchases of them, even if to be had, for army consumption. To say nothing of loss by freezing *in transitu* during the delays of transportation, the incessant efforts and appeals of this Bureau have never enabled it to engage transportation enough to meet the supply of essentials to subsistence and to accumulate the most meager reserves. Indeed, but for the seasonable purchase of coffee, wherewith to supply the deficiency of meat, serious evils would have resulted from want of necessary food, which, though procured, could not be distributed for want of transportation.

The Bureau still looks forward to the importation of supplies—first, of meat, and next, of other articles, even to breadstuffs—from beyond our lines, as the cheapest and safest reliance for feeding the Army. True commercial principles, not less than sound policy, would seem to recommend that whenever and wherever cotton, worth abroad six times as much as gold and about one hundred and twenty times as much as Confederate currency, can be exchanged for any article the Government needs, that the occasion for exchange should be embraced with alacrity, not only as affording subsistence to the Army and relief to the currency, but as relief to our people.

This has been the uniform view of this Bureau. Very early it favored the appointment of a commercial agent abroad, who should be enabled to furnish all the wants of the Government, its own included, as they might be developed. But this, it is understood, was discountenanced by the Government on the ground that private enterprise was a better reliance than Government efforts. It adopted and urged the acceptance of the first propositions made for trade beyond the Mississippi and through the blockade, and has done so persistently ever since. Its efforts have sometimes been disapproved of and at others sometimes foiled by failures in obtaining ocean transportation. That more active efforts would have been abortive is proved by the ill-success that has attended the later enterprises of the Government, and if attempted by this Bureau could only have resulted in an accumulation of supplies to a greater extent than those now at the islands, and a still greater loss than attends their delay at those points for want of steam transportation hither.

Respectfully submitted.

L. B. NORTHROP,
Commissary-General.

EXECUTIVE DEPARTMENT,
Tallahassee, May 5, 1864.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: The inclosed copies* of a correspondence between His Excellency Governor Brown, of Georgia, and myself are respectfully [submitted] to your consideration, because I think it probable the effort proposed by him to influence the action of Congress upon the subject may be made, and my judgment disapproves of it entirely.

I have the honor to be, respectfully,

JOHN MILTON,
Governor of Florida.

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*Not found as inclosures, but see Milton to Brown, April 14, p. 303.

[First indorsement.]

Returned by Honorable Secretary of the Navy.

B. N. H.

[Second indorsement.]

Prepare letter of acknowledgment, and thank for sentiments in support of general cause and interests.

J. D.

EXECUTIVE DEPARTMENT,
Milledgeville, May 5, 1864.

Maj. Gen. HOWELL COBB,
Commanding, &c.:

SIR: Your letter of the 21st ultimo, which bears no postmark, was laid upon my table since my return from Atlanta.

I regret to see that you seem to have fallen into the error, now so common among Confederate officers, that the States derive their powers, and the people of the States their rights and privileges, from the will of Congress; when in fact Congress and the Confederate Government derive all the powers they possess from the delegation of the respective States.

You say:

> I am aware that the Legislature at its late session resolved that "all civil and military officers of this State shall be exempt."
>
> To this, however, I would respectfully reply that the act of Congress did not submit this question to the respective Legislatures, but to the respective Governors; and I insist that the Legislature could not require the Governor to give a certificate that all the civil and military officers of the State are necessary for the proper administration of the State government, if, in point of fact, he did not believe that such was the case. They had no right, either legal or moral, to tax your conscience with a certificate which the laws of the country had submitted to your decision.

Now, the fundamental error into which you have fallen is in assuming that Congress, and not the State Legislatures, have jurisdiction over State officers, and that the acts of Congress, when in conflict with the Constitution, are the "laws of the country."

The State Legislature has declared that all civil and military officers of the State shall be exempt. Congress has declared that such State officers as the Governors of the respective States may certify to be necessary for the proper administration of the State government are exempt. Now, if I understand your position, it is this, that Congress has the jurisdiction over this subject-matter, and is the higher power; and as Congress has referred this question to the Governor, you hold that if he should differ from the Legislature, and should believe that part only of the State officers should be exempt, he may, by virtue of the authority conferred upon him by Congress, set aside the act of the Legislature, and protect only part of the State officers, when the Legislature has said he shall protect them all.

If Congress has the constitutional power to conscribe the officers of the States, you are right, as Congress in that case would also have the power to exempt such as it might think proper. Having the sole jurisdiction over the question, it might exempt such as the Governor should select, and independently of the act of the Legislature conscribe all the balance. If on the other hand Congress has no power to conscribe the State officers and the States alone have jurisdiction over their own officers, Congress cannot confer upon the Governor

the power to turn over to conscription State officers while in the faithful discharge of duty, in the teeth of an act of the Legislature declaring that they shall be exempt.

The whole question in dispute thus seems to turn upon the jurisdiction of Congress over the State officers, and I beg leave to call your attention to the fact that the supreme court of your own State has decided it against you in the very case in which they held that Congress has power to conscribe "the population of the States." The court uses this language:

> We have said that "the power to raise armies" is unlimited as to the use of means. We have not said that it is unlimited as to the subjects upon whom it may operate. There are certain first principles which underlie all governments and all organized society, the violation of which the framers of governments are not supposed to intend, and the attempted violation of which will always be arrested.

Again they say:

> The Government of the Confederate States was formed by the sovereign people of the respective States for specific, well-defined purposes; but they retained for other purposes equally well defined their several pre-existing governments.
>
> To enable it to accomplish one of the purposes for which it was instituted, we say they granted it unlimited power in the use of means to raise armies from their population. But if ever that Government shall apply those means to the enrollment of the officers and agents by whom the State governments are operated and without whose agency their machinery must stop, it will manifestly transcend its limit by violating the intention of those who conferred the power.

Congress, therefore, having no jurisdiction over the officers of the States and no power to enroll them by a former act, referred the question to the Legislatures of the respective States to say what officers they claimed as exempt. The Legislature of this State in response said it claimed all the civil and military officers of the State.

By a subsequent act Congress referred the question to the Governor, but it is very clear that both Congress and the Governor are bound by the action of the Legislature upon this subject-matter, as it alone, subject only to the restrictions imposed by the State constitution, has jurisdiction over it, to determine what officers are necessary to prevent the machinery of the State government from stopping.

If Congress had passed an act declaring the State officers subject to enrollment it would have been in violation of the Constitution and void; and our own supreme court have in effect pledged themselves that they would so declare it. Their language on this point is:

> In the population of the States there is ample scope and verge for the exercise of the power in question without invading the departments of the State government. So far the Congress has recognized the limit here pointed out by an act of exemption directory of their enrolling officers. We have said that they may be safely trusted for its observance, and we now add that, in our opinion, if ever regardless of it, the judicial interposition sought and refused in this case might properly be invoked.

In my address to which you refer, after referring to the acts of Congress and the resolution of the Legislature, I have said:

> In conformity to the resolution of the General Assembly I have certified to the President that I claim as exempt all civil and military officers of this State.

Their exemption is not claimed by the State under the act of Congress nor accepted as matter of grace or favor from Congress; nor does the certificate so state. It is claimed as matter of reserved right under the Constitution and by virtue of the resolution of the General Assembly of the State independently of any legislation which Congress has or can enact.

In speaking of the resolutions you are pleased to say that you feel quite sure, from your knowledge of the members of the Legislature, that they did not contemplate such a result from their action as it now appears is likely to follow. By this I presume I am to understand that when the members voted for a resolution to exempt all civil and military officers they did not understand the meaning of the language they used, and when they said all they only meant part.

I dismiss this part of your letter with the single remark that from a tolerably intimate acquaintance with most of [the] members I am happy to be able to assure you that I entertain a very different opinion of their capacity, and think you have done them injustice by greatly underrating their intelligence.

I am fully aware of the importance of adding to our armies all the men who can be spared without so crippling our agricultural and mechanical interests as to make it impossible for us to support the armies in the field and the women and children at home. I have never failed to do my part in this particular. Prior to the extension of conscription from seventeen to fifty the President never made a requisition upon me for troops that I did not fill. To his last call I responded with more than double the number required.

You will doubtless agree with me that it is quite as important that the armies be clothed and fed and the helpless wives and children of the soldiers be supported as it is that we keep armies in the field, and that the conscription of so large a number as to leave no means of support at home would be as fatal an error as we could possibly commit. With 200,000 or 250,000 brave men in the field well fed and comfortably clad, and their families at home well supported, with all the advantages we have as the invaded party, we are in no danger of subjugation. With 500,000 men in the field destitute of food and clothing and their families at home naked and starving, we would be weak indeed, as our armies so situated must soon disband and we would be ruined. In your zeal to increase your command it is possible you may carry conscription to an extent that will so seriously cripple the agricultural and mechanical interests of the State as to prevent the production of the necessary supplies another year, and thus ruin the cause you attempt to serve. As so much depends upon your orders whether bread shall be made in this State for another year, I beg to remind you of your duty to grant the most liberal details to farmers and other laboring men. When no immediate assault is expected by the enemy both common sense and patriotism dictate that the reserves should not be kept in camp, but that they should be detailed and sent home to labor in their fields and shops, to produce supplies to sustain their own families and the families of those who are absent in other States defending our rights.

If the policy adopted last fall with the portion of the Home Guards called into the field under your command is adopted with those now called out, and they are kept in camp away from their agricultural pursuits when there is no immediate use for their services, the most deplorable results must follow. You cannot be ignorant of the fact that after all the efforts the State authorities can make there is great danger that many soldiers' families will suffer this summer for bread, and that if there is enough in this State there is certainly no surplus. If this is so when all who are to constitute your command were at home last year, what may we expect another year if they are all taken away from their fields and workshops?

Your enrolling officers are now dragging from their homes hundreds who leave helpless families with no prospect of support, to be added to the long list already in so deplorable a condition. They have not the number of slaves necessary to entitle them under the act of Congress to exemption, and if you do not grant them liberal details or furloughs when not needed to meet an assault of the enemy, their families must suffer.

Again, others with constitutions wrecked and health ruined, are being forced by your enrolling officers to conscript camps or assigned by boards of surgeons to what is called second-class duty.

If you do not interfere for their relief many of these wretched men must linger out upon a sick couch a miserable existence for a few short weeks or months and fall victims to an unwise policy without the hope of being able to render any valuable service to the country.

I have reason to believe that it is this severe rigor in the exercise of conscription which has caused the people in many counties and districts in this State to elect men within conscript age to fill county offices. They have felt the necessity of having some able-bodied men at home to attend to home affairs and to look to the wants of the suffering families of soldiers.

You say we need farmers and mechanics and not justices of the peace, deputy sheriffs, clerks, and militia officers at home. You seem, however, to overlook or ignore the important fact that probably nine-tenths of the justices of the peace, deputy sheriffs, clerks, and militia officers of this State within conscript age, who are exempt, are neither farmers nor mechanics; and that a large proportion of them have been elected by the people to keep them at home as farmers and mechanics, as well as officers; far from the annoyance of conscript officers and the uncertainties of obtaining details which must be had at the sacrifice of much valuable time in running the red-tape round prescribed by Confederate officers to obtain them.

You refer to the number of justices of the peace and constables in the State, and express the opinion that a smaller number would be sufficient, and that persons over fifty years of age could as well fill these positions.

As I have already shown, the Legislature, which has the sole jurisdiction over this question, has not left it to you or me to say that a smaller number is sufficient. They have laid down the rule, and I have no discretion but to execute the law, nor have I any power to say what shall be the age of the man who receives the commission. The constitution and laws of this State leave the selection to the voters and not to the Executive. My duty is to commission those who are legally elected, and not to dictate to the people who they shall elect. As stated in the address to which you refer, there are some individual cases in which selections are made which I regret, but I have no right to reverse the decision in the legal exercise of the elective franchise. I have not said the officers are not necessary, the Legislature has decided that question, but I have expressed regret that in some individual cases the people had not selected a different class of men to fill them.

The same remark may probably be made with reference to the militia officers, the number of whom has been greatly overestimated by you. With occasional exceptions, the people have elected farmers and mechanics who are among our most useful citizens at home in producing supplies and relieving the necessities of soldiers' families.

The law requires me to keep up the militia organization which may be useful for police purposes, and may be needed to suppress negro insurrection in the counties, as well as to arrest deserters from the Army, which by proclamation I have required them to do.

In enumerating the civil and military officers in this State, you must not forget the important fact that a very large proportion of them are exempt from conscription, independently of their offices. Many are over the age of conscription, others are wounded soldiers, or exempt from physical debility or other causes; and many hold both civil and military offices, as, for instance, justice of the peace and captain of the militia, while others hold the office of clerk of the superior and inferior courts, and in some instances ordinary also. Thus you see that you do very great injustice if you count each office as filled by a separate individual, and each individual as protected by the office. A man is over the conscript age and holds the offices of ordinary, clerk of the superior and inferior courts of his county; here three offices are filled and nobody is exempted on account of either of them.

You refer to the great necessity for calling men into the field immediately to meet the enemy now pressing us on the sea-board and on the northwest.

In this connection I beg to remind you that the State had a militia organization which would have been thorough and complete by this time, ready to meet the enemy for this emergency, which has been much disorganized and crippled that its most active material might be taken to form your command, which I fear you may not be able to organize in time to meet the enemy on the front, where the great collision of arms occurs. If you should not, it may be very unfortunate for the State that the organization which she had prepared for her own defense has been disturbed.

Our gallant, self-sacrificing troops at the front, who stand like a living breast-work between their homes and the enemy, who have undergone much suffering for food and clothing, know the importance of having a sufficient force at home to make supplies for themselves and their families, and of maintaining the government and sovereignty of their State, for which—as well as for the achievement of our independence—they left their homes and took up arms.

These men also know how much the agricultural and mechanical interests of the country upon which their bread depends are crippled by the annoying detail system, which hinders so much of a farmer's time in keeping his papers right, to enable him to cultivate his land and make bread by the permission of the Government.

They also have the intelligence to see that it would be infinitely better that those whom it is the policy of the Confederate Government to leave at home to produce provisions should be left free from this annoyance to make all the supplies in their power, the surplus to be turned over under proper laws to the support of the Army and the families of soldiers at home. They do not therefore complain when a useful farmer or mechanic is elected to a State office, and left at home to attend to the double duty of making supplies and discharging the functions of his position; nor do they labor to raise a clamor and excite prejudice against the government of their State, which is exerting all its power and energies to clothe them when naked, and to feed and clothe their helpless families at home.

This outcry against the State government and State officers comes up from the almost countless swarms of Confederate officers, agents,

and detailed men who, as the favorites of power, have obtained safe and comfortable positions in the rear, while their less-favored comrades, who seldom get furloughs or details, are required to meet the enemy in front. This class of protected men—vastly more numerous than all the protected State officers—all in the pay of the Government, who can be found in every city, town, backwoods village, railroad car, and hotel in the State, or almost anywhere else but in front of the Army, who are much engaged in attention to their own private business and speculations, or in earnest, industrious efforts to manage and control the politics of the State, while their fellow-soldiers are required to meet the enemy on the battle-field, seem to feel the necessity of diverting public attention from themselves, which they conceive can be best accomplished by raising public clamor, and attempting to excite public indignation against the State government and the State officers who are exempt from military duty. The chief difference between the two classes is, that the State officers are exempt from the fatigues and dangers of the battle-field without drawing pay from the Government during the time they are so exempt, while the Confederate officers and agents of the class referred to enjoy the same exemption from danger and draw regularly as much pay from the Government as those who are exposed to the greatest peril.

I am perfectly willing for the army in the field as well as the people at home to decide upon the respective merits of the two classes, and to say who most deserve to be "withdrawn from their official retreats" and brought into the active service of the country, where the enemy is to be met and the victory lost or won. In your earnest efforts to fill up the ranks of the Army with State officers, let me beg of you not to forget the numerous class above referred to, a large number of whom I feel quite sure could be spared from their retreats for duty in the field, and no injury done to the service, "while the ranks of our Army would be consideraly increased."

Very respectfully,

JOSEPH E. BROWN.

[MAY 5, 1864.—For Polk to Davis, in relation to raising companies for local defense, see Series I, Vol. XXXIX, Part II, p. 579.]

BUREAU OF CONSCRIPTION,
Richmond, May [6], 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The regimental organization and the command of the reserves having been provided for by the assignment of a general officer to each State for those purposes, I have the honor respectfully to submit that authority be given this Bureau to organize, equip, and place in conscript service in each Congressional district one company, to be composed of persons of the reserve classes and such others as may be declared unfit for active service in the field. These companies to contain not more than 100 men, to be either cavalry or infantry, and to be kept on duty at the discretion of the commandants of conscripts under the order of this Bureau, but to be subjected to

extraordinary calls by the generals commanding the reserves, and in all things except the assignment to this special service to consitute a part of that corps. It is suggested that this arrangement will be beneficial—

First. As giving to the conscription authorities a permanent local force essential to the efficient performance of their duties.

Second. That these companies can be mainly constituted of non-producers, and thus will not affect injuriously the productive industry of the country.

Third. That they will form a nucleus for the rapid rendezvous of the regiments, and may be placed on guard in charge of the stores and munitions for such regiments; and,

Fourth. Being composed mainly of sedate persons, having personal interests in the localities, they will constitute an unexceptionable police.

For these reasons I respectfully recommend that the arrangement be allowed.

I have the honor to be, your obedient servant,

JNO. S. PRESTON,
Conscript Superintendent.

[Indorsement.]

MAY 6, 1864.

ADJUTANT-GENERAL:

The authority may be given as guards are required in each camp and for conscript duty, but the persons selected should be of those least required for industrial pursuits.

J. A. S.,
Secretary.

RICHMOND, *May 6, 1864.*

General COOPER:

SIR: I have the honor to acknowledge the receipt of Assistant Adjutant-General Clay's note of the 4th instant informing me of the Secretary's decision in regard to the cases of the Marylanders whose term of service has expired, and can only say that I deeply regret the conclusion to which the Department has arrived in regard to the subject presented. Some of these parties are now in the Maryland Line, having been ordered to it since they enlisted, and will doubtless re-enter it if discharged; but their ground of complaint is, that they are endeavored to be conscripted into said line; not allowed their free choice. In plain words, they consider that the Government is violating faith, and the effect is anything but beneficial to the service. If they should be discharged and leave the front with the enemy before them, the infamy will be theirs; but if it is their right, they should be permitted to enjoy it. I don't believe that there are twenty Marylanders in the Virginia army who would leave it if discharged under such circumstances; but I am equally sure that if there be any of that description the attempt to hold them forcibly will fail to accomplish its object after their term has expired. This very question has been fully elaborated in the Richmond papers within the past week in criticisms on the action of the Yankee Government in holding their troops under corresponding circumstances, and you may rely upon it that acts savoring of bad faith will have the same effect everywhere, and

such conduct heretofore evinced on the part of persons seeking promotion has had no little agency in paralyzing the efficiency of Maryland organizations. At this very moment men are here from Charleston, having reported to the provost-marshal here, whose term of service has expired. They applied for transfer to the Maryland Line near a month ago, but, as they say, their applications are disregarded, and that they are, in spite of such applications and the assurances of the Government given in the late general order to that effect, endeavored to be forced to re-enlist at Charleston. They are leaving their posts, availing themselves of any route to escape, as they say, acts of despotism. Such was the language of one of these men whom I met on the street here this very day, and when I admonished him that he was incurring the penalty of a deserter, he replied, the Government might shoot him if they pleased, but that he would not go back to Charleston, having served his full term of enlistment. I merely give you facts. This party I learn has registered his name with General Winder. The class of people who are here for plunder would gladly see such cases brought before the courts, to be used by them as a plea for not doing their duty. I can only report my conviction that the Department is, in my judgment, acting under very bad advice.

Yours, truly,

GEO. P. KANE.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
May 17, 1864.

Respectfully submitted to the Secretary of War.

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

MAY 20, 1864.

ADJUTANT-GENERAL.

I cannot concur in these views. The Marylanders who have entered our service and cast their lot with us are surely to be regarded as residents, and are only required to do as our own citizens and other residents. The case of the enemy's soldiers cited in illustration has no analogy. Had all Yankees of the ages of these soldiers been subjected to like military service, could there be either surprise or complaint if they were retained in service? The injustice with them is, they were expressly receipted and exempted even from draft, but are still, notwithstanding, forced to remain in service. I see no cause to change the decision or course of the Department.

J. A. S.,
Secretary.

[Third indorsement.]

MAY 25, 1864.

Major RIELY:

This is a correspondence that cannot have a different result from being extended. A previous letter to Mr. Kane explained to him the views of the Department and its determination upon the question involved. I do not think it essential, therefore, that the Secretary's indorsement should be communicated to Mr. Kane.

H. L. C.

GENERAL ORDERS, No. 47. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, May 6, 1864.*

I. The following schedules of prices for articles named therein, adopted by commissioners appointed pursuant to law for the State of Virginia, are announced for the information of all concerned, and the special attention of officers and agents of the Government is directed thereto:

RICHMOND, VA., *May 4, 1864.*

Hon. JAMES A. SEDDON:

SIR: In reviewing the schedules of prices for May and June we invited the co-operation and aid of Mr. William B. Harrison, and it is just to add that the schedules received the unanimous approval of the commissioners.

We respectfully offer the accompanying schedules, A and B, with the understanding that the prices are to remain for the months of May and June, unless in the interval it should be deemed necessary to modify them.

The following prices are to be the maximum rates to be paid for the articles impressed in all cities and usual places of sale, and when impressed on the farms or elsewhere the same prices are to be paid.

Under existing circumstances we have deemed it not only just, but most likely to favor increased production, that producers in future should not be required to transport their surplus productions when impressed, but that the agents of the Government should employ or impress the neighborhood or county wagons and teams to haul all such articles, and so divide the work between the owners of wagons and teams as to be least prejudicial to those successfully engaged in agriculture.

SCHEDULE A.

	Articles.	Quality.	Description.	Quantity.	Price.
1	Wheat	Prime	White or red	Per bushel of 60 pounds.	$5.00
2	Flour	Good	Fine	Per barrel of 196 pounds.	22.00
	do	do	Superfine	do	25.00
	do	do	Extra superfine	do	26.50
	do	do	Family	do	28.00
3	Corn	Prime	White or yellow	Per bushel of 56 pounds.	4.00
4	Unshelled corn	do	do	do	3.95
5	Corn-meal	Good		Per bushel of 50 pounds.	4.20
6	Rye	Prime		Per bushel of 56 pounds.	3.20
7	Cleaned oats	do		Per bushel of 32 pounds.	2.50
8	Wheat bran	Good		Per bushel of 17 pounds	.50
9	Shorts	do		Per bushel of 22 pounds.	.70
10	Brown stuff	do		Per bushel of 28 pounds.	.90
11	Ship stuff	do		Per bushel of 37 pounds.	1.40
12	Bacon	do	Hog round	Per pound	3.00
13	Salt pork	do		do	2.60
14	Fresh pork	Fat and good		Per pound net weight	2.25
15	Lard	Good		Per pound	3.00
16	Horses and mules	First class	Artillery, &c	Average price per head	500.00
17	Wool	Fair or merino	Washed	Per pound	3.00
18	do	do	Unwashed	do	2.00
19	Peas	Good		Per bushel	12.00
20	Beans	do		do	12.00
21	Potatoes	do	Irish	do	5.00
22	do	do	Sweet	do	8.00
23	Onions	do		do	5.00
24	Dried peaches	do	Peeled	do	8.00
25	do	do	Unpeeled	do	4.50
26	Dried apples	do	Peeled	do	5.00
27	Hay, baled	do	Timothy or clover	Per 100 pounds	3.90
28	do	do	Orchard or herd grass.	do	3.90
29	Hay, unbaled	do	do	do	3.00
30	Sheaf oats, baled	do		do	4.40
31	Sheaf oats, unbaled	do		do	3.50
32	Blade fodder, baled	do		do	3.90
33	Blade fodder, unbaled	do		do	3.00
34	Shucks, baled	do		do	2.60
35	Shucks, unbaled	do		do	1.70
36	Wheat straw, baled	do		do	2.20
37	Wheat straw, unbaled	do		do	1.30
38	Pasturage	do	Interior	Per head per month	3.00
39	do	Superior	do	do	4.00
40	do	First rate	do	do	5.00
41	do	Good	Near cities	do	5.00
42	do	Superior	do	do	6.00
43	do	First rate	do	do	7.00

	Articles.	Quality.	Description.	Quantity.	Price.
44	Salt	Good		Per bushel of 50 pounds.	$5.00
45	Soap	do		Per pound	1.00
46	Candles	do	Tallow	do	3.00
47	Vinegar	do	Cider	Per gallon	2.00
48	Whisky	do	Trade	do	10.00
49	Sugar	do	Brown	Per pound	3.00
50	Molasses	do	New Orleans	Per gallon	25.00
51	Rice	do		Per pound	.20
52	Coffee	do	Rio	do	3.00
53	Tea	do	Trade	do	7.00
54	Vinegar	do	Manufactured	Per gallon	.50
55	Pig iron	do	No. 1 quality	Per ton	350.00
56	do	do	No. 2 quality	do	314.00
57	do	do	No. 3 quality	do	278.00
58	Bloom iron	do		do	716.00
59	Smith's iron	do	Round, plate, and bar	do	1,030.00
60	Railroad iron	do		do	425.00
61	Leather	do	Harness	Per pound	3.90
62	do	do	Sole	do	3.60
63	do	do	Upper	do	4.20
64	Beef-cattle	do	Gross weight	Per 100 pounds	20.00
65	do	Superior	do	do	25.00
66	do	First rate	do	do	30.00
67	Salt beef	Good		Net per pound	1.50
68	Sheep	Fair		Per head	30.00
69	Army woolen cloth, 3-4 yard.	Good	10 ounces per yard	Per yard	5.00
70	Army woolen cloth	do			(a)
71	Army woolen cloth, 6-4 yard.	do	20 ounces per yard	Per yard	10.00
72	Army woolen cloth	do			(a)
73	Flannels, 3-4	do	6 ounces per yard	Per yard	4.00
74	Cotton shirting, 3-4	do	4½ yards to pound	do	1.11
75	Cotton shirting, 7-8	do	3⅝ yards to pound	do	1.35
76	Cotton sheeting, 4-4	do	3 yards to pound	do	1.75
77	Cotton, Osnaburg, 3-4	do	6 ounces per yard	do	1.50
78	Cotton, Osnaburg, 7-8	do	8 ounces per yard	do	1.93
79	Cotton tent cloths	do	10 ounces per yard	do	2.53
80					(b)
81	Army shoes	do		Per pair	15.00
82	Shoe thread	do		Per pound	3.00
83	Wool socks, men's	do		Per pair	1.25
84	Corntop fodder, baled	do		Per 100 pounds	2.40
85	Corntop fodder, unbaled	do		do	1.50
86	Wheat chaff, baled	do		do	2.40
87	Wheat chaff, unbaled	do		do	1.50
88	Sorghum molasses	do		Per gallon	20.00
89	Pasturage for sheep	do	Interior	Per head	.40
90	do	Superior	do	do	.50
91	do	First rate	do	do	.60

a Pro rata as to greater or less width or weight.
b On the above enumerated cotton cloths, pro rata as to greater or less width or weight.

In assessing the average value of the first-class artillery and wagon horses and mules at $500, we designed that the term should be accepted and acted upon according to its obvious common-sense import. In other words, that they should be selected and then impressed accordingly as their working qualities and adaptation to army service, together with their intrinsic value, would warrant a judicious purchaser in considering them as coming within the contemplation of the commissioners when they assessed the average value of such horses as the Government needed at $500. But cases might arise, however, when the public exigencies would be so urgent as to demand that all horses at hand should be impressed. Yet under ordinary circumstances, when family or extra-blooded horses or brood mares of admitted high value are impressed, we respectfully suggest to the Secretary of War to have instructions forwarded to the impressing officers to propose and allow the owners to substitute in their stead such strong, sound, and serviceable horses or mules as shall be considered and valued by competent and disinterested parties as first-class artillery horses or first-class wagon mules.

The term "average value per head" is in contradistinction to a fixed and uniform price for each horse or mule. We supposed that in impressing a number of horses or mules, whether owned by several persons or one individual, that some might be estimated at $300 and others at different advanced rates, according to their worth, up as high as $700—thus making an average value or price for a number of good, sound, and efficient horses or mules $500 each.

In illustration of our views, we will add, that a horse with only one eye sound might, in all respects, be classed as a first-class artillery horse, yet the loss of one eye would justly and considerably curtail his value. So a horse from ten to eighteen years of age might be deemed in all other particulars as a first-class artillery horse, but of course, however efficient or able to render good service for a year or so, yet his advanced age would justly and materially impair his value. Any horse, however he may approximate the standard of a first-class artillery horse, must, according to deficiencies, fall below the maximum price; and as few comparatively come up to the standard, and therefore are entitled to the maximum price, so of course in all other instances the price should be proportionately reduced, as imperfections place them below the standard of first class, &c.

SCHEDULE B.—*Hire of labor, teams, wagons, and drivers.*

		Quantity and time.	Price.
1	Baling long forage	Per 100 pounds	$0.90
2	Shelling and bagging corn; sacks furnished by Government	Per 56 pounds	.05
3	Hauling	Per cwt. per mile	.08
4	Hauling grain	Per bushel per mile	.04
5	Hire of 2-horse team, wagon, and driver; rations furnished by owner.	Per day	10.00
6	Hire of same; rations furnished by the Government	do	5.00
7	Hire of 4-horse team, wagon, and driver; rations furnished by owner.	do	13.00
8	Hire of same; rations furnished by the Government	do	6.50
9	Hire of 6-horse team, wagon, and driver; rations furnished by owner.	do	16.00
10	Hire of same; rations furnished by the Government	do	8.00
11	Hire of laborer; rations furnished by owner	do	2.50
12	Hire of same; rations furnished by the Government	do	1.50
13	Hire of same; rations and clothing furnished by owner	Per month	50.00
14	Hire of same; rations furnished by the Government	do	30.00
15	Hire of teamsters; rations furnished by Government	do	40.00
16	Hire of laborer; clothing and rations furnished by Government	Per year	300.00
17	Hire of same; clothing and rations furnished by owner	do	550.00
18	Hire of same; rations only furnished by Government	do	400.00
19	Hire of ox carts, team, and driver; rations furnished by owner	Per day	10.00
20	Hire of same; rations furnished by the Government	do	5.00

Upon further consideration we have concluded to value sheaf oats, hay, and blade fodder east of the Blue Ridge Mountains, when baled, at $5.40 per 100 pounds, and unbaled at $4.50 per 100 pounds, and shucks baled at $3.90 per 100 pounds, and $3 unbaled.

REVISION OF THE SCHEDULE OF FEBRUARY AND MARCH LAST.

Since the adoption of our last schedules for the months of February and March the financial bills passed by Congress, taxing the currency, have seriously impaired the value of the old issues of Confederate Treasury notes. At this juncture large numbers of horses and mules were impressed and paid for in a currency which was in a few days thereafter to be taxed 33⅓ per cent.

The Board of State Commissioners having adjourned, and one of its members being out of the State, it could not be convened in time to review our schedules of prices. Under this state of facts we have re-examined and rearranged our tariff of prices, so far as we have been advised of recent impressments, proposing, in this mode, to remedy any diminution of valuation which may have resulted from the action of Congress upon the currency. Therefore we assess the average value of artillery or wagon horses or mules, impressed since the passage of the currency bill of the 17th of February last, at $600. This award will entitle each person to receive higher compensation accordingly as each horse or mule recently impressed may be considered as being a first, second, or third class artillery or wagon horse or mule, whether the parties appeal to our Board or not; and the impressing agents and officers should forthwith call on all of those persons of whom they impressed horses or mules and propose a settlement upon the foregoing basis, but allowing to each person only such prices as first, second, and third class artillery or wagon horses or mules may be estimated at, assuming our average appraisement of $600 as a fair medium valuation. This, then, would allow a maximum price of $800, and a minimum price of $400, making $600 the average price—thus allowing more for first-class horses or mules and proportionately less

for the inferior, as they may fall below the grade of first class. Payment of whatever amount may be awarded to be made in the old issue of Treasury notes as circulated before the 1st of April, or else in the new issue, but with a deduction in such cases of 33⅓ per cent. from the additional sum allowed in each case.

E. W. HUBARD,
ROBERT GIBBONEY,
WM. B. HARRISON,
Commissioners for Virginia.

By order:

S. COOPER,
Adjutant and Inspector General.

All appeals and communications for the Board of Commissioners should be addressed to D. Saunders Chilton, secretary of the Board of Commissioners of the State of Virginia, Richmond, Va.

WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., May 7, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to report that I have visited and carefully examined the Piedmont Railroad in order to ascertain from personal inspection its features and condition, and whether the Government could furnish any aid which would materially hasten the completion of the road. The Piedmont Railroad is forty-eight and three-tenths miles in length, the heaviest grade coming northeast, sixty feet to the mile. In an opposite direction, that of least transportation, and therefore no great disadvantage, there is a grade on temporary track of 106 feet, the maximum permanent grade being only 68. The necessity of rock cutting, combined with the scarcity of blasting powder, led to the adoption of the temporary track. The road is completed to a distance of thirty-one miles from Danville, where there is a break between iron and iron of four and a half miles, the rest of the road to Greensborough being completed. On this break the grading is practically finished, although there are still cross-ties to procure as well as stringers for Haw River bridge. The road will be opened, probably, by the 20th instant, or 25th at latest, and I do not know of any available labor at the disposal of the Government which would materially hasten the time of completion. The Quartermaster-General has been called upon for some assistance in hauling, which he has cheerfully promised, and the Engineer Department has been able to assist by supplying additional tools, principally axes. I found the road thoroughly well and intelligently located and constructed, in consideration of the times, and the company's force, although not large, energetically and satisfactorily employed, under the immediate and constant personal direction of the chief engineer, Capt. E. T. D. Myers, of the Engineer Corps. It gives me the more pleasure to be able to make this statement after personal inspection and conscientious conviction, as there is and has been much misapprehension. Few persons but those who have made the attempt have any conception of the innumerable difficulties which retard the completion of a great work of internal improvement in these disjointed times.

Very respectfully, your obedient servant,

A. L. RIVES,
Colonel and Acting Chief of Bureau.

[First indorsement.]

MAY 23, 1864.

Respectfully submitted to the President.

It is gratifying to have the assurance presented by this report of the diligence and ability with which the work of the Piedmont road has been prosecuted by the engineer in charge. As much misapprehension has existed on this subject, and some reproach in popular estimation has been cast on both the engineer and the contractors, it is deemed only just to them to submit the report to your consideration.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

MAY 25, 1864.

Read with satisfaction and returned to Secretary of War.

J. D.

OPELIKA, ALA., *May 8, 1864.*

General B. BRAGG:

GENERAL: I returned yesterday from my tour of investigation as to the secret treasonable society alleged to exist in this State. I met Colonel Falkner and Mr. A. R. Hill, who gave me their written statements herewith inclosed. Mr. Burke, who joined the society for the purpose of disclosing its secrets, became alarmed for his safety and has left this region of country. I was not able to communicate with him. I can find him at no distant period, I think, if it should be deemed necessary. Under these circumstances I was compelled to take his disclosures as made to Falkner and Hill and forwarded in their statements. I am satisfied that the society embraces more than half the adult males of Randolph, Coosa, and Tallapoosa Counties, a large number in Calhoun and Talladega Counties, and a considerable membership in some of the other counties in Alabama. It extends into portions of Georgia. I state as a fact that the society has no regular times or places of meeting, and has no organized "lodges" or "communities." Men who have studied the obligations, signs, &c., and who can communicate them well are styled "eminent," and pass through the country giving the "degree" to all whom they regard as fit subjects. The society is nameless, or, rather, has such name as any particular "eminent" may choose to give it for the occasion. Its general designation is the Peace Society. No records are kept. Each initiate is an independent, dissevered link in a perfect chain. He is told by his eminents who are his associates or brethren, but meets them at no "convocation" of the order. Hence the difficulty of procuring evidence. You prove one man to be a member, but outside of his statements you have no other proof of other memberships. It is a society without officers, a community without members.

But it is no less singular in its objects than its organization. Its obligation and its professed object, peace, are not objectionable, but its real teachings are as varied as the communities or even the men to which they are imparted. If the initiate is an ignorant but true man he is told that the object of the society is to procure an honorable peace; if disaffected as to the policy of the Government he is told that the aim is to procure a change of rulers; if a traitor, to produce mutiny among our soldiers, to destroy our loyal citizens, and to take the State back into the Union on any terms. A designing politician

could precipitate the whole society into a measure that would appal many of its members if they could see the end of their actions or had results presented before them. I am inclined to the belief that no action will be taken by its leaders so long as our arms are victorious; but should great disasters befall us, the widespread distrust which marked the past winter would ripen into treason, and find in this society an organization that would prove disastrous to our cause.

Under these circumstances I scarcely know what to do. If you wish a further investigation I will cheerfully give it. A shrewd detective would be of great service if unknown in this section of country. I can enter no county in any of the cotton States east of the Mississippi River where I am not recognized by some citizen, officer, or soldier. If I take a step the door of information is closed against me as an officer in the Army.

I shall leave in the morning for Columbus, Ga., on inspection, and shall defer further action in this matter until I hear from you. I may say that I believe Mr. Parsons, a prominent, talented Yankee lawyer at Talladega, is one of the most prominent members if not the head of this organization.

I thought some time since that Colonel Seibels (late candidate for C. S. Senate) was connected with this order, and procured the statement of Major Hollis and Captain Dowd (the latter the commissary at this place and both most reliable gentlemen) in reference to him, herewith inclosed. I have found nothing further to connect him with the order. I have not been able to see Colonel Holly, to whom reference is made in this statement. If deemed necessary I will see him, although I have made considerable effort to do so. It is due Colonel Falkner to say that he enjoys the reputation of being a man of honor and a patriot. He is certainly a man of no mean abilities. Mr. Hill is an honest man, of good sense, but not of great ability. Should a detective be sent out, I will cheerfully give him all information in my possession and all aid in my power.

Since writing the foregoing I have heard of the raid on the railroad between Richmond and Petersburg.

The forwarding of this report will be delayed a short time. It will be forwarded by my wife as soon as communications are re-established.*

I am, general, very respectfully, your obedient servant,

H. W. WALTER,
Assistant Adjutant-General.

[First indorsement.]

Respectfully referred to Adjutant and Inspector General.

BRAXTON BRAGG,
General.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
June 15, 1864.

Respectfully submitted to the Secretary of War. If approved, an intelligent officer from Louisiana can be sent to investigate this subject more thoroughly, with authority to employ detectives.

By order of General S. Cooper:

R. H. CHILTON,
Assistant Adjutant-General.

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*In connection with this paper, see Clanton to Polk, May 9, 1864, Series I, Vol. XXXIX, Part II, p. 588.

[Inclosure No. 1.]

Exhibit A.

Statement of myself in regard to a secret organization and disloyalty of certain citizens.

First. Are all present constitutional men?—Answer. I am.

It now becomes necessary that you take upon yourselves an oath or obligation, which oath or obligation does not conflict with your political or religious feelings.

The following is a synopsis of the obligation:

First. I promise and swear that I will not reveal or make known any of the secrets of this order to any person or persons, except it be to a brother of this order, and not to him or to them that I may hear so to be, but to him or to them, after strict trial and lawful information, I may believe him to be entitled to the same as I myself am now about to be.

Second. I furthermore promise and swear that I will not cut, carve, mark, scratch, chop, &c., upon anything, movable or immovable, under the whole canopy of heaven, whereby any of the secrets of this order might become legible or intelligible through my unworthiness.

Third. I furthermore promise and swear that I will not give it to an old man in his dotage, to a young man in his nonage, to a woman, or to a fool.

Fourth. (I have forgotten in toto.)

Fifth. I furthermore promise and swear that I will always be found aiding a brother of this order, that when I hear the word spoken or see the secret sign given I will rush to his relief, and would feign myself his enemy to accomplish his relief.

Sixth. I furthermore promise and swear that I will always be found aiding a brother of this order, his widow or orphan, they applying to me and I finding them worthy.

Seventh. I furthermore promise and swear that I will not wrong a brother of this order nor suffer it to be done by others if in my power to prevent it.

Eighth. To all these and those, my solemn oath or obligation, I bind myself under no less penalty than that of having my head cut open, my brains taken from thence and strewn over the ground, my body cast to the beasts of the field or to the vultures of the air should I be so vile as to reveal any of the secrets of this order.

The above is as correct an exposition of the obligation as I am able at present to make.

The root and branch, as I understand, is to set on foot some tricks which would in the end become masters of the Government, according to the lectures of James Wood and Thomas Lambert.

The intention of this secret organization is alone in opposition to the maintenance of a Confederate Government. I had long and instructive lectures from both Wood and Lambert; they were bending their energies to make me an earnest worker of the order, that I might make this thing tell more effectually when I arrive at my command, then stationed at Mobile.

This thing was introduced to me by W. C. Brown, jr. After talking on the war subject he asked me how I would like to look into an order which had for its object the bringing about a speedy peace. I answered, "Quite well." He (Brown) then stepped away and beckoned to his friend to come thither, who was James Wood, who, after a few remarks, proceeded to confer the obligation which I have previously given. He (Wood) stated, as I was going to join my command soon I would be a very good hand to introduce the order in the army at Mobile. James Wood also said that Parton Vardenon was then gone to Virginia to introduce it in our army, and, if possible, to communicate it to our common enemy. He further stated that J. W. Joiner was gone in the direction of our Western army to get it through the

lines in that quarter; and further, Wood said his son-in-law, John H. Paster, had been home on furlough and had also been initiated, and was going to the Tennessee army, and would soon have the army well posted in this thing.

The original of the above was handed me by Judge John T. Heflin, of Talladega, but I did not learn the name of the man who made the disclosure.

James Wood has since been taken up by our cavalry and hung. Thomas Lambert, I learn, has run away and is supposed to have gone to the Yankees.

J. FALKNER.

[Inclosure No. 2.]

Statement of Maj. E. Hollis and Capt. W. C. Dowd in reference to a conversation between Colonel Seibels, of Montgomery, Ala., and Col. J. J. Holly, of Tallapoosa County, and with Colonel Holly.

About the 1st of March last Colonel Seibels and Colonel Holly were sitting on the veranda of the Exchange Hotel in Montgomery, when Major Hollis and Captain Dowd stepped to the window to go out. They, Seibels and Holly, were talking in a low tone. Colonel Seibels remarked to Colonel Holly that the arrangement was made and he was going on. Captain Dowd immediately stepped back and Major Hollis went through the window on the veranda and was introduced by Holly to Seibels. Holly remarked to Seibels that he (Hollis) was all right. Hollis took a seat a short distance off and heard Seibels mention several names, amongst them Hon. James Johnston and Dr. Tuggles, of Columbus, Ga., and George Reese, of West Point. The conversation was in an undertone and aroused his suspicions. That night he asked Holly what Seibels was up to. He replied that Seibels said that the Lincoln Government would not hear any proposition from the Jeff. Davis Government, and that he, Seibels, was anxious to know what could be done; that he was going to Washington; that the Arkansas, or Sebastian, platform had taken in Arkansas and would take in Alabama, and that the proposition was that slavery should be abolished in the present century, or should commence with the end of the present century. Hollis thinks the former. Colonel Holly stated that he (Holly) did not approve of it, and thought it would result in a great deal of harm. The foregoing is the substance of the conversation.

E. HOLLIS.
W. C. DOWD.

[Inclosure No. 3.]

Statement of Col. Jefferson Falkner and Mr. A. R. Hill, of Randolph County, Ala. (post-office, Wedowee), in reference to a secret society.

Some time about the 1st of March, 1864, Theophilus Burke, a citizen of Meriwether County, Ga., was induced by said Falkner and Hill to join a society, said to be organized for the overthrow of our Government. He did so. He was initiated into the society in Randolph County, Ala., by William Kent, of that county, known to be disloyal. He saw the obligation, herewith filed, marked Exhibit A,* and said it was the obligation of the society. The fourth point in the obligation he could not recollect. He stated to Mr. Hill that their object

*See p. 395.

was, as soon as their strength would admit, to commence hostilities against the Home Guards (county reserve) and secessionists. J. Falkner states that he showed Burke what purported to be a copy of the oath or obligation of the order, or a part of it, and that after Burke joined he stated that the paper was correct as far as it went, but did not contain all the obligation. (Exhibit A, hereto appended, is the copy.) Said Falkner states, from the best information he can get from Burke and other sources, that the object of the society is twofold—

First. The organization of a political party opposed to the present Government.

Second. By means of getting a majority of the people at home committed to them, and as many of the soldiers as possible, to either overturn the present Government or, by opposing and refusing to support it, to compel the present Government to make peace on such terms as can be obtained, let them be what they may.

The grip of the order is given by taking hold of the hand as usual in shaking hands, only the thumb is turned with the side instead of the ball to the back of the hand, when the following dialogue ensues: "What is that?" "A grip." "A grip of what?" "A constitutional peace grip." "Has it a name?" "It has." "Will you give it to me?" "I did not so receive it, neither can I so impart it." "How will you impart it?" "I will letter it with you." "Letter it and begin." "Begin you." "No; you begin." "Begin you." They then spell the word peace by calling a letter alternately, beginning with any letter except the first. This is the password. The ordinary signs of recognition are given as follows: The party giving the sign takes up a stick or something of the kind in his hands, holding it in both in front of the body and carelessly throwing it to the right, using both hands. This is to be recognized by putting the right hand to the lock of the hair on the right side of the head as if pulling off something and throwing it to the right. Another sign consists in tapping three times on the toe of the right foot with a switch or stick and then waving it to the right. Another sign consists in taking a switch, stick, or whip and setting it on the right thigh and then leaning it to the right. The sign to be given by the soldier on the battlefield is by the soldier carrying his gun with the muzzle inclined to the right, or an officer carries his sword with the point inclined to the right, and if on horseback, with the hilt resting on the thigh. The sign of distress is given by extending the right hand horizontally and then bringing it down by three distinct motions; or, if the sign cannot be given, then the words "Oh, Washington!" are substituted for it. An expression used as a means of recognition is, "I dreamed that the boys are all coming home."

In the opinion of Mr. Hill two-thirds of Randolph County are members of the society; Colonel Falkner thinks a majority. Lieut. Col. E. B. Smith, commandant of the reserves of Randolph County, is a member; R. S. Heflin, ex-State senator and now a lawyer of that county; Dr. R. L. Robertson, also a prominent Methodist preacher; W. W. Dobson, a justice of the peace; William Kent, an influential citizen and one of the prominent officers of the order; David A. Perryman, late enrolling officer and a justice of the peace; Capt. William T. Smith, now at Demopolis commanding a company raised for conscript duty, and a large number of other citizens of Randolph County are members of the order. Colonel Falkner has been informed and believes that Henry W. Armstrong and A. A. West, the two members of the Legislature from that county, are members of the order.

Mr. Burke said that Lieut. N. B. D. Armon, the district enrolling officer at Talladega, is a member. Mr. Hill states that about the 1st of April last he, as an officer of the reserves, arrested T. J. Pennington, a deserter from the Army, with a forged furlough, sent him to the conscript camp at Talladega, and that Pennington (a member of the order) gave the sign, and that a lieutenant vouched for him, and he was thereupon released, and got back to the county as soon as those who carried him to Talladega. He has not since been heard from. Mr. Burke also stated that the Board of Surgeons at Talladega on the 1st of April were members. Colonel Falkner has learned through Burke that L. E. Parsons, a prominent lawyer of Talladega, is a member. L. McKee, a most prominent member of the order, told Burke that the battle of Missionary Ridge was lost and the surrender of Vicksburg was occasioned by the order. Burke also learned from the members of the order that Colonel Hannon (Army of Tennessee) and a large portion of his regiment were members of the order; that Captain Hannon, of same regiment, and most of his men were members of the order. The names of the members of the order as above furnished are given by Burke and Capt. M. D. Robinson, the enrolling officers of the county. Both Colonel F. and Mr. Hill believe it to be correct, from what they know of the men.

JEFFERSON FALKNER.
ABNER R. HILL.

CLINTON, LA., *May 8, 1864.*

His Excellency H. W. ALLEN:

SIR: At the time of Colonel Sandidge's departure for Richmond the enemy were moving so as [to] envelop this section of the country, and not being able to foresee the result of these movements, I did not feel at liberty to proceed to Richmond with Colonel S. I, however, wrote to the President a communication in which the following subjects were fully and forcibly placed under his consideration, to wit:

First. The appointments of commissioners to audit and pay the claims of our citizens for forage, subsistence, transportation, property, &c., impressed (whether legally or not) for Government use.

Second. The grossly illegal manner in which impressments have been made in this State, and the great abuses of private property by Confederate officers.

Third. The high-handed and lawless manner in which Confederate officers have violated and are still violating the rights of persons and things in this State.

Each one of these subjects was fully and strongly placed before the consideration of the President, and will be as efficient in provoking the application of the necessary remedy as a personal interview would have been, and perhaps more.

If Colonel Sandidge should need my presence he will telegraph to me. Your letter accrediting me to Richmond limited my authority to the matter of the negotiation of the bonds; but under the general terms of the credentials in the hands of Colonel S., I presumed to speak at large, and very plainly, in reference to the gigantic abuses of power by inferior officers, which are in derogation of and insulting to the authority and dignity of the State of Louisiana, and which are not demanded by any exigency of public safety or general success. I should, perhaps, send you the original communication, that you might judge whether my expressions have transcended your

wishes or your views. The evils are enormous, and demand prompt and effective correction. The lives, liberties, and property of our citizens are disposed of with the same facility of subordinate military officers as if each of them was a hereditary despot in the district or department assigned to his command. Citizens of this State are taken, conveyed into the State of Mississippi, and executed without trial, civil or military. Six or eight have suffered death by the peremptory orders of Colonel Dillon. I believe the Constitution of the country provides that "all prosecutions shall be by indictment or information;" that "the accused shall be entitled to a speedy trial before an impartial jury of the vicinage," and that "he shall have the right to be confronted with his accuser and with the witnesses against him." I believe that the authority of the State and the guardianship of her tribunals over the rights and immunities of her people is original and reserved, and I am at a loss to know by what authority any military commander of whatever grade, from the President to the corporal, assumes to annul these great conservative provisions of the Constitution; to move across the lines of State sovereignty as if they did not exist, and by simple military orders to deprive our citizens of life.

I am at a loss to know in what article of the Confederate Constitution the power is lodged which authorizes the military power of the country to try and punish offenses committed by citizens or persons not enrolled in the Army and Navy. The pretext, I believe, is that the civil tribunals are too slow; they are neither sufficiently fast nor reckless for the purposes and wishes of many military commanders, who are neither the wisest nor the purest men which the country affords. This invasion of the just and constitutional authority of the civil and criminal tribunals of the country is a common portent of revolution; is the premonition of civil decay and political anarchy, and calls for the most sleepless vigilance from the mind of Your Excellency. Private property is subjected to the same abuses, and exhibits a field for deep reflection and prompt action by the authority of the State. Property of citizens of the State is taken by military seizure, carried out of the State, and under the pretext of confiscation is turned over to the quartermaster and consumed without any previous conviction of the owner for having violated the laws either of the State or of the Confederate Government, and without any action *ad rem* to procure the legal condemnation of the property. The constitution of the State, her jurisprudence, her tribunals, her original and undelegated custodianship over the civil rights of her citizens, her territorial lines, are all set aside and annulled by a military proceeding which has no use or respect for one nor the other. The evil here strikes deeper than the mere loss of property. It is the loss of principles, the redintegration of which may excite a bloodier revolution than the present. It is to be regretted that military men cannot keep in view the great cardinal principles of our Government, and preserve the harmony of its structure and action, even through the convulsions of war. There is no want of possibility, and the intelligent and upright mind can exercise all the necessary and proper powers of the military commander without invading in the slightest particular the just and peculiar province of the civil power. The evil results from the ignorance and recklessness of men in military power, who at once imagine themselves to be the exclusive and absolute authority in the district assigned to their command over all questions of property, liberty, or life, and the idea that such authority is restrained by any

considerations of State jurisdiction or State sovereignty is received with open and violent contempt. How far these things may have passed under your own observation, and may have excited your official solicitude for the dignity of the State and the immunities of her citizens, I am not able to say. Doubtless you have seen enough to induce the conviction that the evil is not only enormous, but dangerous, and to inspire your mind with the determination that it must be checked.

Major Corkern is proceeding slowly with the organization of the State troops. A few days since an order was issued by the provost-marshal-general of the district annulling the State organization and forbidding enlistment in its ranks.

Major Corkern is proceeding, so far as I can learn, strictly according to law. He came to me for advice, and my advice was to disregard all such orders, maintain his organization, and proceed to complete it according to law and the orders received from you; that whether the State had the right and power to form troops of her own out of any material she pleased was not a question to be disposed of by the order of a provost-marshal or any other military officer in the Confederate service. It was a question to be settled in the event of any difference between the Governor of the State and the President. He will stick to his position—he appears to be one of the sticking kind—and I am glad of it.

We are rejoiced to hear of the brilliant success of our arms on Red River. We may hope that great and happy results will flow from it, and that this miserable abolition spawning of which Hahn is the appropriate head may no longer disgrace the soil and character of the State. The crushing out of that dirty thing is a result most devoutly to be wished, and the power once in our hands, its very root should be extirpated from the land. Not a man should be suffered to breathe the air of our State who would avail himself of the hours of her misfortune to assassinate her civil and political life. We may be thankful that they have all marked themselves for retribution, and when the authority of the State shall re-enter its wonted field the purgation will be prompt and thorough.

We have the rumor here that Texada and Elgee have taken the oath to the United States Government. I cannot believe that it be true. Is it possible?

I should like to be in the field again; and if I was with the proper command I could render great service to the country in this district. I know all the country intimately. I know the people, and can draw them into the service and retain them. I could introduce and maintain both military and civil order here; could annoy the enemy and defend the country. The people and the soldiery from the river to the lakes desire it, and I am ready and willing to undertake it. I suppose, however, that Mr. Davis would consider it a personal favor to me to grant me such a command, and consequently would not do so. I have no personal ambition to gratify in the matter, but am simply willing to assume the position as a matter of public duty. If the idea meets your concurrence, and you are of opinion that my services would be of any value to the State and to the Confederacy, I commit myself to your hands, to do as you may think best. I should be glad to hear from you if convenient by the return of Mr. Gayle.

Very truly, yours,

PRESTON POND, JR.

BRUSSELS, *May 9, 1864.*

His Excellency JEFFERSON DAVIS,
President Confederate States of America:

MR. PRESIDENT: Herewith I have the honor to transmit the letter which His Holiness Pope Pius IX addressed to Your Excellency on the 3d of December last. Mr. W. Jefferson Buchanan has obligingly undertaken its conveyance and will deliver it in person.

This letter will grace the archives of the Executive Office in all coming time. It will live forever in story as the production of the first potentate who formally recognized your official position and accorded to one of the diplomatic representatives of the Confederate States an audience in an established court palace, like that of St. James or the Tuileries.

I have the honor to be, with the most distinguished consideration, Your Excellency's obedient servant,

A. DUDLEY MANN.

[Inclosure.*]

PIUS NINTH—POPE.

ILLUSTRIOUS AND HONORABLE SIR: Health! We have received with all fitting kindness the gentlemen sent by Your Excellency to deliver us your letters bearing date the 23d of September last. We certainly experienced no small pleasure when we learned from the same gentlemen and the letters of Your Excellency with what emotions of joy and gratitude toward us you were affected, illustrious and honorable sir, when you were first made acquainted with our letters to those reverend brethren, John, archbishop of New York, and John, archbishop of New Orleans, written on the 18th of October of last year, in which we again and again urged and exhorted the same reverend brethren that, as behooved their distinguished piety and their episcopal charge, they should most zealously use every effort in our name also, to bring to an end the fatal civil war that had arisen in those regions, and that those people of America might at length attain mutual peace and concord, and be united in mutual charity. And very grateful was it to us, illustrious and honorable sir, to perceive that you and those people were animated with the same feelings of peace and tranquillity which we so earnestly inculcated in the letters mentioned as having been addressed to the aforesaid reverend brethren. And would that other people also of those regions, and their rulers, seriously considering how grievous and mournful a thing is intestine war, would be pleased with tranquil minds to embrace and enter upon counsels of peace. We indeed shall not cease with most fervent prayers to beseech and pray God, the omnipotent and all-good, to pour out the spirit of Christian charity and peace upon all those people of America and deliver them from the evils so great with which they are afflicted.

And of the most merciful Lord of compassion himself, we likewise pray that He may illumine Your Excellency with the light of His grace, and may conjoin you in perfect love with ourself.

Given at Rome, at St. Peter's, December 3d, in the year 1863, and of our Pontificate the eighteenth.

PIUS P. P. IX.

* This translation was obtained from the U. S. Treasury Department, in which the original, in Latin, is on file.

CIRCULAR } WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
No. 8. } *Richmond, Va., May 9, 1864.*

I. Medical directors will instruct the medical officers that in all cases requiring surgical interference in which no serious risk to life is incurred by such action, they have the power (in the opinion of this office, sustained by the approval of the Secretary of War) to compel submission to surgical operations. This opinion is expressed with the full appreciation of the mutual obligations resting upon the soldier and the service, and with the intention of securing the mutual advantages equally derived from a just fulfillment of these obligations. The power vested in the medical officer should be exercised firmly, yet with due delicacy and caution.

* * * * * * *

III. In view of their intrinsic value and of economy to the Government, and also the impracticability of procuring sufficient supplies of medicines from abroad, medical officers are again urged to avail themselves of the resources of our native materia medica by the employment of such indigenous remedies as have been prepared for issue by purveyors, or as may be found growing in proximity to every hospital and station.

* * * * * * *

SAMUEL PRESTON MOORE,
Surgeon-General C. S. Army.

(To Medical Directors in the Field and Hospitals.)

EXECUTIVE DEPARTMENT,
Milledgeville, May 9, 1864.

His Excellency JEFFERSON DAVIS,
Richmond:

I have purchased 30,000 soldiers' blankets for the State of Georgia now in the islands, and have to send out cotton to pay for them. The steamer Little Ada, chartered by the State, has been loaded for three weeks with about 300 bales of cotton, ready for sea. She lies thirty miles from Charleston. I ask clearance for her to go out now, while we have dark nights. She is detained at heavy expense to the State. I solicit an early reply.

JOSEPH E. BROWN.

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, Va., May 10, 1864.

COMMISSARY-GENERAL:

The inclosed are a letter by M. L. Bonham, Governor of South Carolina, covering four papers of complaint, and a letter by Major Guerin, covering the reports by Major Trout and Captains Means and Conner relative to the matters complained of, which are respectfully submitted with the following suggestions, viz:

With regard to the general tenor of these complaints this Bureau may properly refer to the paper of investigation submitted by it 16th of December last relative to certain complaints laid before the Secretary of War by Governor Bonham. In that paper the view was entertained and expressed—

That it is when the impressing agents detect and seize the stores of these speculators and those in the hands of illiberal producers, which are either being held by them for the appreciation in prices or are latently wending their way to the

markets to secure their already extravagant rates, that these complaints, urged as they are by these self-serving parties, come teeming in.

It would be difficult to conceive of a batch of complaints with a development of facts in regard to the complainants which would more aptly illustrate and verify the above-quoted view than this under consideration. Mr. Mark E. Cooper, being an agent of the Navy Department, is not responsible to this Bureau, yet he submits a report through Captain Means, which the latter so indorses as to render it of undoubted veracity; and from his report it appears that Montague's property has not been impressed, but his feelings have been so much disturbed in consequence of the interruption of his schemes for speculation that he has given vent to his rage by an expressed apprehension of an insurrection by the people. Robertson and Rutland both evince (according to Major Trout's showing) considerable illiberality and unwillingness to aid properly in supplying the wants of the Government, although the latter urges no complaint for himself. The former (Mr. Robertson), it appears, made his own selection (from his herd of twenty-odd cattle) of the two cows for the impressment of which he complains; and this selection, too, seems to have been made contrary to the suggestions of the impressing agent and the advice of his friend. Moreover, Mr. Myers, the agent, reports to Major Trout that he has never carried out the impressment in this case, nor had any cattle whatever from John E. Robertson. Indeed, these complaints and this revelation of the complainant's conduct in the premises are of a character not very creditable to the latter, to say the least of it. With regard to the circulars or notices of impressment here questioned, this Bureau may, in justice to itself, submit a reference to the indorsement by it of 16th January last on the letter by the Hon. A. P. Aldrich, inclosing notice served on J. J. Brabham, &c., the concluding sentence of which indorsement was as follows, viz:

It is requested that the War Department cause a form of impressment notice to be drawn up, so that all may be uniform.

Major Trout is certainly well protected against the charge of willful or gross misconduct in the use of his circular or impressment notice, first, because it is the production of Senator Orr; and secondly, because this notice seems to have been well sustained by the law and orders as they then stood, and the notice used by Mr. Heriot seems to have been equally well sustained by them at that time also.

Now, while this Bureau recognizes in the law and orders a grant of power to the officer (when ordered to impress) of a discretional character as to the amount he may impress from each individual of the articles required, limited only by the exempting clauses in the law and orders and by the decision of the appraisers as to the quantity to be exempted, yet it does not fully approve in its officers any system of tithing by impressment which is not controlled by the circumstances in each case. This Bureau had already at the time the within reports were called for instructed these officers through Major Guerin that "it is not the policy of the Government in procuring its supplies to destroy breeding stock, but to draw from the surplus of that which is fit and designed for consumption."

In reply to the view taken by Governor Bonham that "the people of the towns and cities, many of them refugees, &c., are absolutely in want of the necessaries of life, and the reason is that these circulars have deterred many citizens from selling," &c., it is proper to say that the law makes such exemptions from seizures as in the wisdom of the legislators were thought sufficient to enable the citizens to

hold their necessary supplies, which provision, together with that contained in General Orders, No. 144, series 1863, is, it would seem, amply sufficient and cannot be augmented without dangerously relaxing the entire system of impressment, so indispensable at this time as a means to aid in the procurement of army supplies.

Further, in vindication of these officers it does not appear from the within papers that the above provisions have been denied by any of them to the citizens. It is also respectfully submitted that the officers and agents for impressing in the State of South Carolina have (so far as this Bureau is advised) done as much to palliate and as little to harass the citizens under the onerous consequences of impressment in that as in any other State in the Confederate States.

Therefore, that the officers here charged should receive no additional admonition whatever, is respectfully submitted.

A. F. EDWARDS,
Captain and Assistant Commissary of Subsistence.

[Indorsement.]

Approved and respectfully forwarded, with the recommendation that copies of Major Trout's paper and the affidavit of Mr. Myers be furnished to Governor Bonham for his attention, as furnishing matter for executive animadversion. This Bureau believes that subsistence is more than usually abundant in South Carolina this year, and that there is not much danger of suffering, as supposed.

L. B. NORTHROP,
Commissary-General.

[Inclosure No. 1.]

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, March 2, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Inclosed I send you copies of a circular served upon many citizens by Major Trout, one by Captain Heriot, and copies of communications from citizens of this State, C. Montague and John E. Robertson, one under oath; also a printed slip by J. S. Hair, an agent of the Government. These afford illustrations of the complaints made by many citizens. You will perceive that Major Trout forbids the removal or disposal of the surplus at the peril of the owner, and Captain Heriot also forbids its removal or transfer. The effect of this course of conduct has been that the poor of the country, the people of the towns and cities, many of them refugees from States now in the hands of the enemy and from our own sea-coast, are absolutely in want of the necessaries of life, which can only be purchased at ruinous rates; and the reason is that these circulars have deterred many citizens from selling a bushel of meal or flour to the needy at home, and from bringing it to the cities, towns, and villages, through apprehension of interference by impressing officers. The slip published by J. S. Hair, agent, is one of many of the same kind, showing that the Government is unable to provide depots for the tax in kind or to transport it. It is not improbable that one-half of the tax in kind in South Carolina yet remains to be disposed of by Government, and yet you will see by these papers that the agents are either taking grain to send elsewhere or compelling the citizens to withhold it from the non-producers, refugees, and the poor. The attorney-general has given the opinion that "the service of this circular cannot be supposed to act as a lien on the property of the person to whom it is

addressed, and the threat of personal peril arising from the disregard of a general notice of this character is not, I think, authorized by the act."

I call your attention further to the matter mentioned in the statement of Mr. Robertson that stock cattle—cows with calf—are being impressed. I have heard of similar cases. I have desired to avoid even the appearance of a conflict with the Confederate Government, and have therefore abstained from making any publication to the people of this opinion of the attorney-general, as desired by resolutions of the House of Representatives herewith inclosed, and of their rights, but prefer first to ask you to require these agents to undo the mischief they are working. The surplus products of the country above its absolute wants cannot get out of the Confederacy and will not be destroyed, so that when the Government shall have transported its tax in kind to where it is needed it will still be able to find this surplus, and most probably in the hands of those who above all others should feel the operations of the law of impressment. I ask your early attention to this subject.

Respectfully, your obedient servant,

M. L. BONHAM.

[Sub-inclosure No. 1.]

SUBSISTENCE DEPARTMENT,
Chesterville, S. C., December 12, 1863.

J. M. RUTLAND,
Executor:

SIR: As division commissary for this district I desire to purchase all the produce now in your possession, amounting, as I am informed, to cattle, hogs, wheat, flour, bacon, sirup, &c. I am authorized to pay you the prices fixed by the commissioners of South Carolina for the same, and will pay in currency at my office. Upon your refusal or declining to accept the above offer, the emergency of the Army and my instructions from Major Guerin, chief commissary of South Carolina, require that I should impress the same, which I hereby do, except the necessary supplies for your consumption. If you decline to accept, you are also notified that any effort to remove or dispose of the same will be at your peril. Should you decline to sell as proposed in paragraph 7, then, upon your making affidavit that the above is the growth and produce of your farm, you will immediately select one loyal citizen and I will select another, and in the event of their disagreeing then they will select an umpire, and after being duly sworn shall assess just compensation for the aforesaid. If you have not grown, raised, or produced the same for family use (which you must also verify by affidavit) then you shall be paid for the same 35 cents net for beef, 40 cents per pound gross for hogs, sheep $15 per head, it being the prices given by the commissioners of South Carolina under the fifth section of the impressment act.

Respectfully, &c.,

T. B. TROUT,
Major and Division Commissary.

[Sub-inclosure No. 2.]

SUMTER, *January 16, 1864.*

Mr. JAMES CALDWELL,
Statesburg, S. C.:

SIR: I propose to purchase in behalf of the Confederate States of America the sorghum molasses and surplus corn, bacon, lard, and

pickled beef now on your hands belonging to yourself or others, and hereby offer you for the molasses $4 per gallon; corn, $2.50 per bushel; bacon sides, $1; hams, 90 cents; shoulders, 85 cents; lard, $1; and pickled beef, 50 cents per pound, in currency. Should you decline the price offered, I will be obliged to impress the said property; in which case compensation will be made according to the act of Congress for the regulation of impressments. This is sufficient notice under the act to bind the said property until the completion of the negotiation, so that there can be no removal or transfer of the same.

Respectfully, &c.,

JOHN O. HERIOT,
Captain and Assistant Commissary of Subsistence.

[Sub-inclosure No. 3.]

COLUMBIA, *January 18, 1864.*

His Excellency the GOVERNOR OF SOUTH CAROLINA:

The affidavit of the subscriber showeth that, having been in Union District last week, for the purpose of procuring food for his own and other families of the city of Columbia, he was informed by various planters of the district that a certain man, purporting to be acting by the authority of the Confederate States, by the name of McClure, had seized or notified them that if they would not sell him their wheat that he would take it; that he left, and another young, hearty, stout-looking man, by the name of Cooper, came to same district in a few days to carry Mr. McClure's plan into execution; that the subscriber received a message from the said Cooper to go and see him; that on Sunday evening last deponent went to see the said Cooper, and that Cooper told deponent not to remove the flour he had bought and paid for some time before until he received an affidavit from him and the others for whom he had purchased that it was for their own use; that deponent told him that Lincoln or the devil could not devise any better means of breaking up this Confederacy than the plans he told me of; that he came to Mr. John Long's late last Sunday night, and that Long told me that Cooper appointed him an agent, and that he was to get $5 a day for acting while he was absent; that this wheat was to be sent to Augusta immediately, and then sent to Charleston for the use of the Navy; that Mr. Long told deponent that Cooper told him they were also going to take the corn and peas and deal them out to the citizens as they needed them. These and a great many more unreasonable propositions and questions were asked the subscriber, one of which was the number of persons in subscriber's family, and how long a barrel of flour would last him; and that Cooper told him that negroes must not get flour; that subscriber told him he would not get corn down the road, and would not let the negroes perish; that Cooper was otherwise impertinent; that subscriber fully believes that if these wolves are suffered to harass the country in the way tney propose that an insurrection of the citizens is imminent, and that anarchy will ensue; and that great discontent prevails already and threats made to withdraw their sons from the Army; and when Cooper was told of this by deponent that he said they would be soon put down; that Mr. Long told deponent that Cooper said that we did not know what kind of crops we were going to have next year, and it was best to store the flour, and when Long asked Cooper what would become of the poor, that he answered that they would take care of them themselves.

C. MONTAGUE.

Personally appeared before me C. Montague and made oath that the above statements are true.

T. J. GOODWYN,
Magistrate ex Officio.

[Sub-inclosure No. 4.]

RIDGEWAY, FAIRFIELD DISTRICT, *December, 1863.*

His Excellency Governor BONHAM:

DEAR SIR: As a citizen of this State I think it my duty to inform you of some of the acts of the impressing agents, or sub-agents, or treble agents, or whatever you may call them, as I do not know their titles. On this day one of Major Trout's agents impressed two of my cows with calf, I protesting against it. I only own twenty-five head of cattle, consisting of cows and yearlings. He said he had made it his rule to impress one-tenth of all the cattle in this neighborhood. I asked by what authority he acted. He said he had done so to make it equal. I asked him how he knew there were that many. His answer was that he knew. I told him I objected because I had no beef-cattle, and that I wanted to increase my stock. I have eighty negroes or more on my plantation, and that I wanted the milk; as I only had about thirty hogs to kill, as it was cheaper to buy them before the war than to raise them, but if the agents were to go on in this way we will have no stock cattle, and I am afraid nothing else. I have inclosed you his impressment bill* on one of my neighbors. I asked him if he intended to give me a receipt for what he impressed. He said no; but he said he would take a receipt from me for the money. I told him he must give me a receipt, so as to show the next agent that came along. If the Government wanted the cattle, or if I had any beef-cattle, they could have them, but I did not believe they wanted stock-cattle. He said he would impress all my corn. I told him no; that I had agreed to support Doctor Powell and family, consisting of twenty-seven in white and black, and four head of stock, at $2 per bushel; and Doctor Powell was medical purveyor of A. P. Hill's division, and depending on me for supplies.

I have stated to you the facts of the case. I hope you will inform me how to act in this matter. If it is law there will be starvation in the country. We are willing to pay one-tenth to the Government, but nobody to receive it as yet. The agent pretends to be acting under some other authority. I am very sorry to intrude on you so much. I will be governed by your directions.

Hoping you will reply right off, I am, yours,

JOHN E. ROBERTSON.

[Sub-inclosure No. 5.]

Notice.

There will be no more corn received at Chappell's Depot until further notice, as there is not room to put it in.

J. S. HAIR,
Agent for Government, Chappell's Depot.

JANUARY 21, 1864.

[Sub-inclosure No. 6.]

1. *Resolved*, That His Excellency the Governor be requested by his proclamation to publish a brief statement of the provisions of the impressment law of the Confederate States, to be prepared by or

* See sub-inclosure No. 1, p. 405.

under the advice of the attorney-general and solicitors of the State, and that he be requested to add thereto such recommendations to the people as he shall think fit and proper.

2. *Resolved*, That he be requested to forward to our Representatives and Senators in Congress the wish of this General Assembly that they will urge upon the President and other departments of the Government a prompt correction of the evils and abuses of the system of impressment as administered in this State.

[Inclosure No. 2.]

OFFICE OF CHIEF COMMISSARY,
Charleston, April 26, 1864.

Col. L. B. NORTHROP,
Commissary-General of Subsistence, Richmond, Va.:

SIR: I have the honor to forward herewith the replies of Major Trout and Captains Means and Conner to the several papers transmitted, with the letter of Capt. A. F. Edwards of the 16th of March. I have delayed sending these replies until I should receive that of Major Trout, which came to hand last night.

Respectfully, your obedient servant,

H. C. GUERIN,
Major and Chief Commissary.

[Sub-inclosure No. 1.]

OFFICE OF DIVISION COMMISSARY,
Chesterville, S. C., April 16, 1864.

Maj. H. C. GUERIN,
Commissary of Subsistence:

MAJOR: The package of papers referred to me from your office under date of March 20, 1863 [1864], has my attention. I will simply premise that the delay in answering the complaints urged against my agents and myself has been caused by pressing business and having no assistance in my office. I have taken the liberty of numbering the papers so as to answer more intelligibly.

In answer to paper No. 1, indorsed "Major Trout's circular," I simply inclose one of the printed forms used, together with an affidavit of Mr. J. H. Devereux in relation to the authorship of this notice, which authorship certainly led me more readily to use that form.*

By paper No. 2 it appears that Mr. Robertson (John E.) complains of my agent having impressed two of his cows with calf, he protesting.† He likewise forwards the impressment notice and advocates the cause of Mr. J. M. Rutland, executor of the estate of Peay, in Fairfield District. In answer I beg leave to submit the attested statement of Mr. Franklin Myers, my agent in Fairfield District; also his letter to me (a copy thereof) dated December 18, 1863. This letter will exhibit the fact that the amount impressed from Mr. Rutland, executor, was far below the proportion adopted by Mr. Myers; and I will here state that in adopting a rule of this kind several of my agents were guided by their own judgment, and did it simply with a view to equalize the burden to the people. In carrying out this rule some of the agents caused the cattle to be penned; then he selected one head, the next choice to be given to the Government being accorded to the owner of the cattle, and so on alternately until the one-tenth was exhausted. The parties were, however, notified that in case of further need another draft would be made upon them.

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*For affidavit, see p. 412. †See p. 407.

In relation to Mr. Rutland's case, I will state that in the entire Third Purchasing Division of South Carolina he is the only party who has forced me to issue impressment paper, and in this case I felt it my duty to proceed; otherwise the people of moderate means seeing a man of wealth allowed to retain his cattle, a disposition to do the same might become general and force me to a general impressment. The statement of John E. Robertson in regard to the impressment of his two cows with calf is rebutted by Mr. Myers' sworn statement, and Mr. Myers informs me that he has never carried out the impressment in this case, nor had any cattle whatever from Mr. John E. Robertson.

Paper No. 3 is indorsed "Copy of letter of Governor M. L. Bonham, Columbia, S. C., March 2, 1864."* In connection with this I will premise that while the Legislature was in session I was in Columbia and conversed with one of the members of that body, stating to him the mode of procedure adopted by me in procuring the provisions of the country. In answer to the letter of His Excellency Governor Bonham I will state that General Orders, No. 37, section 11, paragraph II, distinctly states that the notice which the officer is directed to serve upon the owner "shall bind the said property until the completion of the negotiation for the sale or appropriation thereof, so that there can be no removal or transfer of the same;" and as regards the nature of the peril incurred, I have never regarded it as His Excellency terms it, "personal peril," but only that peril which every person incurs in resisting the carrying out of the laws by the properly authorized officers. Governor Bonham states that the effect of this notice has been to cause distress to the poor of the country, the people of the towns and cities, and refugees, &c. To this I answer that I received orders from the chief commissary of the State, Maj. H. C. Guerin, commissary of subsistence, not to interfere with provisions in transit to the markets, and I have given to all agents from the first moment of my taking charge of this division strict orders on this point, and I have frequently seen parcels of subsistence stores passing over the roads to Columbia and Charleston, and have often aided their transit. If the people of the towns and cities have suffered, it has most likely been from the speculators among themselves, to whom the farmers have been eager to sell the supplies which the Government needed for higher prices than the Department was authorized to pay, and who, swarming the country, have overbid each other and continued to accede to the increased demands of the farmers, and then in turn exacted from their customers prices and profits to suit their views.

As regards preventing the sale of a bushel of meal or flour to the needy at home, this may have happened, but I opine it was only in cases where the holders were only too glad to have a loop-hole to escape from that duty of benevolence; and I imagine that at the same time the opportunity was not lost to get good prices from speculators. It is true that supplies were interrupted, or rather that I vainly endeavored to interrupt them in transit out of the State. In this I acted under orders, but not being supported, and in danger of coming in conflict with the people, I abandoned the efforts, and thousands of bushels and pounds of subsistence stores have passed out, sold by the farmer to parties from neighboring States. This has been also another fruitful cause of the exorbitant demands of the farmers for provisions.

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*See p. 404.

I note that Governor Bonham's letter is dated on March 2, 1864; the action of the Legislature was in December, 1863. The difference in time has made a great change in circumstances. In December last the tenth only of wheat, peas, &c., was the only portion being taken up by the tax-in-kind department, from whom our department received the tenth. This forced us to purchase corn, and failing to obtain it by purchase, to give notice that we would impress; but little, however, was taken in that way in this division. No bacon was then coming in, and hogs we could not obtain; consequently beef-cattle were an absolute necessity. These were not included in the tenth, and I was directed to make strenuous efforts to obtain as many as possible.

Finally, I beg leave to submit that in none of the districts under my charge has there been any complaint, except where the agents, misunderstanding their instructions, have created some excitement; and in some instances I have met with approbation from those whose property has been drawn upon by my orders for the suavity I have exercised to them in pursuance of my duties. I beg leave to submit herewith papers numbered 4, 5, 6, and 7; also to refer to a letter (a copy of which I have means of obtaining) written by William M. Shannon, esq., to General Beauregard, complaining of the foraging parties in Kershaw District from some command on the coast, in which he speaks of the action of Mr. J. H. Devereux, my agent in that district, as perfectly satisfactory. My only desire has been to perform my duty to the Government, and it was my openly declared intention in taking charge of this division not to come into conflict with the people, and I am satisfied that as a general thing I have been successful.

I am, major, with respect, your obedient servant,

T. B. TROUT,
Major and Commissary of Subsistence.

[Paper No. 4.]

CAMDEN, *April 6, 1864.*

I state with pleasure that I have never heard of any complaints against the commissary agent at this point. We pretty generally complied with his requisitions cheerfully, feeling that although it was a sacrifice to give our stock, that our Army needed it, which was sufficient impressment for me.

JNO. M. DE SAUSSURE.

[Paper No. 5.]

CAMDEN, *April 9, 1864.*

I state with pleasure that I never heard of any complaints against the agent of the Commissary Department at this place, and if any abuse of the law has taken place it is unknown to me. I have not any general intercourse with the people of this district, but I have heard frequent discussions among individuals as to impressments, and have not heard Mr. Devereux's conduct censured.

G. J. WITHERS.

[Paper No. 6.]

CAMDEN, *April 8, 1864.*

I certify on honor that while in the employ of the Commissary Department, under T. B. Trout, major and commissary of subsistence, I endeavored to discharge my duty in strict accordance with his orders, and that in doing so I never found it necessary to abuse or trespass on the rights of my fellow-citizens. I never selected cattle intended for the use of the Army, always leaving to the planter to

give what he could best spare from his stock. I made no case of impressment; the people generally complied with request to sell me a portion of their stock.

JOHN CANTRY.

[Paper No. 7.]

CAMDEN, *April 6, 1864.*

I certify on honor that I never received an order from T. B. Trout, major and commissary of subsistence, that required me to purchase or impress cows heavy with calf, but on the contrary have been instructed by him to reject such cattle as unfit for beef. With reference to my abusing the authority vested in me, I appeal to the gentlemen whose certificates accompany this certficate.

J. H. DEVEREUX.

[Sub-inclosure No. 2.]

OFFICE ASSISTANT COMMISSARY OF SUBSISTENCE,
Alston, March 27, 1864.

Maj. H. C. GUERIN,
Commissary of Subsistence, Charleston:

MAJOR: A copy of the complaint of C. Montague to the Governor of South Carolina, with your indorsement, has been received. I would respectfully state that Mr. Cooper is a Navy agent, acting under the orders of Secretary Mallory, and is entirely independent of me. He is authorized to purchase and impress if necessary anywhere in the States of North and South Carolina. His instructions are to report to district commissaries wherever he may design operating, only with a view to prevent any conflict between them as to prices. While I do not in the least consider myself responsible for his acts, yet from my knowledge of his operations in my district I am willing to indorse him as a zealous, energetic, and skillful agent, and have been informed by a superior officer in his department that he was the best agent the Navy had. Mr. Cooper and myself have had frequent interviews, and he has unreservedly told me his plans and what he was doing, and I have invariably found his statements corroborated by the testimony of others. He has never to me indulged in the expression of such sentiments as those attributed to him by Mr. Long. There are some circumstances connected with Mr. Long's statement (within my own knowledge) that would make me extremely cautious in receiving it to the detriment of Mr. Cooper's reputation. From Mr. Montague's own statement it appears that he gave Mr. Cooper occasion to be what he terms "impertinent." Mr. Cooper (although a Government agent) is, I presume, in some respects like other men—can be provoked to strike back. In this case I think it probable he might have thought it best to obey the Bible injunction, "Treat a fool according to his folly." It is by no means impossible to provoke a man to say harsh things, and then make an *ex parte* statement apparently injurious to him. This thing has been very often done against that much abused class of men known as Government agents, or, as Mr. Montague would say, "wolves." When a man is pursuing a straightforward, upright, and honorable course he seldom refuses to make the necessary showing when demanded by one who even has the shadow of authority. It appears that Mr. Cooper had no intention of taking from Mr. Montague his necessary supplies, but not knowing him from any other speculator perhaps thought it best to ask the proof. Instead of feeling a just pride in vindicating

himself, and showing that he was not aiming to evade the obvious intention of the law, he accuses Mr. Cooper of hitting upon a better plan for breaking up the Confederacy than had ever entered into the minds of Lincoln or the devil to devise; complains to the Governor and calls Mr. Cooper "impertinent," "wolf," &c. It really appears that he thought every one should know Mr. Montague, and that was sufficient, and that it was high treason even to question him. Unfortunately we seldom hear of our Governor except as he occasionally flings at the General Government and its agents. With your permission I will refer this matter to Mr. Cooper, feeling assured that he can and will vindicate. I disclaim being responsible for his acts only so far as my most cordial approval of those that have come under my observation will go. I will take pleasure in forwarding to you Mr. Cooper's report as soon as received.

I am, major, yours, very respectfully,

S. C. MEANS,
Captain and Assistant Commissary of Subsistence.

[Sub-inclosure No. 3.]

OFFICE ASST. COMMISSARY OF SUBSISTENCE, DIV. NO. 5,
Florence, March 22, 1864.

Maj. H. C. GUERIN,
Commissary of Subsistence, Charleston, S. C.:

MAJOR: I am this morning in receipt of copy of circular issued by Captain Heriot, which has an indorsement of your own. I have the honor to state that in a circular issued by me to the agents instructions were given to make due allowance for the wants of non-producers, and I am sure such allowance has been made. Since I have been in charge of the division but one impressment has been made. Notices have been served in one or two instances, but have been withdrawn at the parties' request. As far as my agents report, I think planters have as little to complain of in my division as in any part of the Confederacy.

I am, major, very respectfully, your obedient servant,

H. W. CONNER,
Captain and Division Commissary of Subsistence.

[Sub-inclosure No. 4.]

STATE OF SOUTH CAROLINA,
Kershaw District:

Personally appeared before me, a magistrate of this district, John H. Devereux, who, being duly sworn, deposeth that in August, 1863, he was in the employ of the Commissary Department, and that he had occasion to visit Anderson Court-House, S. C. While there an impressment was about to be made, and the question arose as to which was the best form for serving a notice; that the Hon. James L. Orr was present, and the question was referred to him; that he, the said James L. Orr, told deponent to draw up a form; that deponent did so, but as the form did not meet his views the said James L. Orr did with his own hands draw up and write on paper a form; and deponent further stated that this form was placed in an impression copying book by Capt. K. L. Simons, assistant commissary of subsistence, the officer in charge of that purchasing division, and a copy taken; that the copy was given to deponent, the said Capt. K. L. Simons keeping the original. Deponent further stateth that from this copy he had printed

a number of forms, one of which in October, 1863, he sent by mail to Maj. T. B. Trout, assistant commissary of subsistence, Chester Court-House, and at the same time stating that the form was prepared by the Hon. James L. Orr. Deponent also stated that the said Maj. T. B. Trout, assistant commissary of subsistence, did have printed and put into use a number of these forms, and that he, the said deponent, believeth that Maj. T. B. Trout, assistant commissary of subsistence, adopted this form in consequence of the authorship.

J. H. DEVEREUX.

Sworn to and subscribed before me this 21st day of April, 1864.

J. K. WITHERSPOON,
Magistrate, Kershaw District.

[Sub-inclosure No. 5.]

WINNSBOROUGH, *March 31, 1864.*

Maj. T. B. TROUT:

DEAR SIR: In reply to your inquiries relative to the complaints made against me as an agent of the Government by Mr. John E. Robertson, in behalf of himself and Mr. Rutland as executor, I desire to submit the following statement:

That soon after my appointment as agent, knowing that Mr. Rutland as executor had a good many beeves, I called on him to purchase some for the department. He seemed not at all inclined to accommodate me, and I soon found out that if I got the number of beeves I supposed I was entitled to I would have to impress. In fact, he informed me that I could only get them according to law. I then served him with notice of impressment, which notice, through inexperience, was improperly filled out, as I discovered next day. I then served him with another notice properly filled out. After the notice was served and the persons were to be selected by the parties to appraise the property, Mr. Rutland selected Mr. John E. Robertson. To him I objected, because I believed he was not a loyal citizen required by the law, and would not act impartially in the matter. I concluded for several reasons that he was not loyal, and especially because I had just heard him say that he thought we (meaning the seceded States) had best compromise on the best terms we could and get back into the old Union; and previously I had heard him say that he thought the sooner this damned Government fell to pieces the better it would be for us. Indeed, it seems strange that Mr. Robertson, wholly disconnected with the parties interested in Colonel Peay's estate, should manifest so much interest in the welfare thereof and attempt to guard it against this deponent, who is a first cousin to all the parties interested therein. Mr. Robertson himself was served with a notice of impressment, which has never been formally carried out. After this notice Mr. Robertson exhibited to deponent some twenty-odd head of cattle, from which deponent selected a yearling, and Mr. Robertson objected to that and pointed out two cows which he said he preferred to part with and could spare best, as they were old. Deponent and Mr. Jones, the friend of Robertson, both suggested to Robertson he had better retain these cows as they were with calf. Robertson still insisted he could part with these two best. Deponent would here boldly express the opinion that Mr. Robertson was not influenced by any pure or laudable motive in making the representations he has done to His Excellency in this behalf. I am sure that he has suffered nothing at my hands as an agent of the Government that will justify him in the course he has taken.

In conclusion I would suggest that Mr. Rutland, being a man and a good lawyer, would at least be as able as Mr. Robertson is to defend himself if he thought himself aggrieved.

Yours, respectfully,

FRANK MYERS.

SOUTH CAROLINA,
Fairfield District:

Before me personally appeared Frank Myers and made oath that the matters stated in the foregoing letter as facts are true, and that the opinions therein expressed he believes to be well founded and correct.

FRANK MYERS.

Sworn to before me 31st March, 1864.

W. E. AIKEN,
Magistrate ex Officio.

[Sub-inclosure No. 6.]

WINNSBOROUGH, *December 18, 1863.*

Maj. T. B. TROUT,
Chester:

DEAR SIR: I inclose you a letter from J. M. Rutland, executor of the estate of Peay, in this district. I began buying, and when parties refused to sell I impressed one-tenth of every man's cattle. Rutland has 300 head of cattle. I require of him thirty head as the quota, and you see what he says. I did do wrong in agreeing at first to let him off with eight, but I immediately reconsidered the matter and came to the conclusion that I must discharge this duty impartially and make him furnish what all of his neighbors had done—one-tenth of the number. His statement as regards my visiting one man and taking none is incorrect. You will please instruct me how to proceed in this matter. Write to me at Ridgeway.

Yours, respectfully,

FRANK MYERS.

P. S.—Shall I impress corn? No one will sell, and I think there is 10,000 bushels of surplus corn in the neighborhood where I now am.

F. M.

[Inclosure.]

LONGTOWN, *December 18, 1863.*

DEAR SIR: I received your letter by Nap., and read it with surprise. It seems to me that you are entirely at sea on the subject of impressment. You first claim everything except a bare support for the place. You next claim one-tenth of the hogs, cattle, sheep, bacon, &c., and next one-tenth of the cattle, and finally firmly agree that you will accept eight beeves as the quota of this estate; and I am told in one instance you have visited a citizen of this place who objects to furnishing of his cattle, and that you have acquiesced, or at least did not impress. To be candid with you, I think it is your duty to find out where there is a surplus of hogs and cattle, and take from such surplus only what is necessary to satisfy the present necessities of that portion of the army which you are acting for. We have no surplus on this estate except of corn, fodder, peas, and a little wheat. We have raised no cattle except for our own use for several years,

and I can safely make affidavit that we have raised neither hogs nor cattle except for our own use, and that we have no more than we need for use. I consented, however, to spare eight beeves to you, and I am perfectly certain if others will do as much in proportion you will get more beeves than you will need for months to come. Besides your adopting the rule of impressing one-tenth of a man's entire stock, and taking your tenth in number altogether of beef-cattle is entirely arbitrary and unjust, and without authority, even where there is a surplus, unless it can be shown that the necessities of the army imperatively demand it. I am still willing to comply with the agreement made with you this morning, but I will not consent to go beyond it, and if you get more you will have to take it by force, and if it comes to that perhaps you ought to be careful not to overstep the limits of your authority. I don't wish to be offensive, but I wish to speak plainly. I think your demands on the community at this time, if you require of others as you seemed disposed to require of me, amount to a great deal more than the army you are acting for has any use for at present, and I know something of its numbers as well as you, and of course can judge as well as you.

Respectfully, yours,

J. M. RUTLAND,
Executor.

P. S.—Since receiving your letter I shall not drive in the eight beeves unless I hear from you again.

J. M. R.

MARION, *May 10, 1864.*

Hon. W. P. CHILTON:

MY DEAR SIR: It is evident that if the army bill of the last session of Congress is carried into effect by sending the reserves to the camp of instruction this month it will be productive of incalculable misery without any corresponding benefit. I do not pretend to know what the military necessities of the country are, but I am informed that it is not the purpose of the Government to call the reserves into the field at this time, there being no necessity for it, but that with the view of organizing them into companies, regiments, &c., the reserves are ordered to the camp of instruction, and when these organizations are completed they, the reserves, will be furloughed home. Some weeks will be required to effect this. Nine-tenths of the reserves are laboring men, who make their living by their own manual labor on their farms. To take them from their farms at this season of the year and keep them away for a few weeks would result in the loss of their crops. After their crops are "laid by" they would much better spare three months from home than ten days now. I therefore earnestly solicit you to urge the Secretary of War to suspend the order to send the reserves to the conscript camp.

Yours, truly,

W. M. BROOKS.

[Indorsement.]

Respectfully referred to the Honorable Secretary of War, asking his particular consideration of the within suggestions.

W. P. CHILTON.

RICHMOND, *May 10, 1864.*

His Excellency Governor BROWN:

Your telegram of the 9th to the President in relation to the steamer Ada has been referred to this Department. On the 12th of April a telegram was sent to you stating that the act of Congress imposing restrictions on export of cotton required that the regulation of trade should be uniform. Therefore the requirement that one-half of the cargo of every outward-bound vessel should be for account of the Confederate States cannot be relinquished as an exception in your favor. April 27 Mr. Lamar applied for a clearance for this steamer, and was informed that she could not go until she complied with the regulation.

C. G. MEMMINGER,
Secretary of the Treasury.

HEADQUARTERS CONSCRIPTION, STATE OF GEORGIA,
Macon, Ga., May 10, 1864.

His Excellency JOSEPH E. BROWN,
Governor of Georgia:

SIR: It having been reported to me from many counties in the State that men enrolled under the act of Congress 17th of February, 1864, "to organize forces to serve during the war," are claiming exemption from service by virtue of their election to civil State offices subsequent to date of enrollment, and under the erroneous impression that you will protect them in their claims, I have the honor, very respectfully, to request you to authorize me to inform the officers under my command that you will not countenance claims for exemption from military service on the ground of election to State offices subsequent to enrollment in the C. S. Army. It [is] my earnest desire to avoid, by myself and by my officers, any real or apparent conflict with the officials of the State, and am therefore very desirous that Your Excellency should make such declaration as would remove the difficulty to which I have referred and which is of constant occurrence.

Very respectfully, your obedient servant,

WM. M. BROWNE,
Colonel and Commandant.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, N. C., May 11, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond:

SIR: Circumstances have arisen which make it necessary that I should again call your attention to the claim which the State of North Carolina has against the Confederate Government for cotton loaned it some twelve months since. The cotton loaned was part of that purchased by the State and pledged to parties in Europe, who upon such pledge advanced the money necessary to purchase and bring over army supplies. The terms upon which this cotton was so pledged were that the party holding the obligation might at any time, on sixty days' notice, receive the cotton from the State. This notice has now been given, and the credit of the State requires that the cotton shall be delivered. The cotton loaned to the Confederate Government was

loaned with the distinct understanding that it was to be returned at any time when called for, and at the port of Wilmington, and yet, in answer to repeated applications, I have received but 300 bales, leaving 1,500 still due. In the present juncture of military affairs it is impossible to command transportation, and unless you order your agent in Wilmington to pay the debt due the State her credit must suffer. Should the credit of the State abroad receive this blow it will very seriously cripple me in my efforts to bring in supplies of food and clothing, which efforts up to this time have been attended with a fair portion of success, and this blow will most unnecessarily be inflicted by the Confederate Government. The Government has now lying in the town of Wilmington, in charge of the Navy Department, a large amount of cotton, and the War Department, I am informed, has also a large amount there. I submit to you, sir, that I should not be met by the answer that the cotton was loaned to the War Department and that cotton belonging to the Navy Department cannot be used. The loan was made to the Government, and justice demands that it should be paid, even at some inconvenience. I will be most entirely satisfied with an order on your agent at Wilmington to deliver to my agent 500 bales of cotton per month until the debt is discharged, and as I am so moderate in my demands I have every hope that I will not be disappointed.

I am, very respectfully, your obedient servant,

Z. B. VANCE.

[First indorsement.]

MAY 23, 1864.

To Colonel Bayne for attention and remarks.

J. A. S.

[Second indorsement.]

MAY 28, 1864.

Respectfully returned to the Secretary of War.

The same exigency (demand for transporting food for the Army) prevents the War Department from bringing its cotton to Wilmington. The cotton has been due to the State a long time, and I propose to pay as desired at the risk of not having an adequate supply for shipment; and I inclose orders with letter I respectfully propose should be sent to Governor Vance. The quantity of cotton due is, I think, about 1,000 bales.

THOS. L. BAYNE.

HEADQUARTERS GEORGIA RESERVES,
Macon, May 12, 1864.

His Excellency JOSEPH E. BROWN,
Governor, &c., Milledgeville, Ga.:

SIR: Your letter of the 5th instant reached me to-day, and I reply at once, to correct some of the misapprehensions under which you are laboring; and I must express my regret in finding that I was mistaken in the inference which I drew from your published proclamation, that you would co-operate with the Confederate authorities in their efforts to carry to the Army all men who could serve the country better in the field than at home. There was certainly nothing in the language I quoted from that address to induce me to look for a labored argument from you in justification of the course of those who were seeking the evasion of duty under the cover of State commissions.

In imputing to the officers of the Confederate Government the doctrine that "the States derive their powers and the people of the States their rights and privileges from the will of Congress," you have done them an injustice, of which I presume you were fully conscious at the time you penned the charge. To suppose otherwise would be to impute to Your Excellency a degree of ignorance which it would be offensive to intimate. The only ground upon which you can justify such an imputation in this correspondence is the fact that I addressed you under (what now seems to be) the mistaken supposition that Your Excellency had determined to comply with the act of Congress calling upon the Executives of the several States to "certify" what officers were required for the proper administration of the respective State governments. I did not suppose that I had subjected myself to so grave and unjust a criticism by manifesting confidence in the Governor of my State to the extent of believing that he would comply with an act of Congress of which he had made no official complaint and with the provisions of which the Executives of other States had cheerfully and promptly complied. I did not suppose that the sons of Georgia, who had manifested their devotion to her, her rights, and sovereignty in every way in their power, would forfeit their claims of loyalty to that sovereignty and those rights by complying themselves and expecting others to comply with the laws of the Confederate Government. They supposed a law that could be enforced in Virginia and the other States of the Confederacy, and cheerfully responded to by Governor Smith and the Executives of other States without impairing the rights or violating the sovereignty of those States, might be enforced in Georgia with equal impunity and responded to with equal cheerfulness; and I venture, even at the hazard of incurring again Your Excellency's rebuke, to say that such would have been the case if the Governor of Georgia had, like the Governor of Virginia, witnessed in person the privations and sufferings of our brave soldiers in the field and shared with them, as he did, the hardships of the camp and the dangers of the battle-field. It was the personal knowledge by Governor Smith of the wants of our Army and the necessity of bringing to their support every able-bodied man who could be spared from his pursuits at home, that induced on his part a cordial co-operation with the Confederate Government, increasing the numbers of the Army and thereby adding to its efficiency. A similar experience on the part of Your Excellency might have induced similar action.

It was quite natural that I should have fallen into the error of supposing that Your Excellency intended to comply with the act of Congress from another consideration. I saw in your published address that you had furnished to the authorities at Richmond the certificate which the act of Congress required. It is true you state the fact that the Legislature had declared that all civil and military officers should be exempt; still you did not say that the Legislature demanded the exemption, but that you claimed it. Your language is: "I claim as exempt all civil and military officers of the State." If, as you now intimate, you regarded the act of Congress as an infringement of the sovereignty and rights of the State of Georgia, why did you humble that sovereignty and compromise those rights by a pretended compliance with a law of Congress which you considered and intended to treat as a nullity?

I submit that it would have been more candid and dignified to have said to the Confederate Government that you refused to comply with a law that you had determined to nullify.

Not only so, but in the very certificate you furnished in response to the law of Congress, you do not content yourself with informing the President of the action of the Legislature, but you add:

> I therefore hereby certify, in conformity to the resolution of the General Assembly of this State, that I consider all civil and military officers of this State who hold commissions or have been appointed as directed by the constitution and laws of this State to be necessary for the proper administration of the government of this State.

This [is] a plain, unequivocal certificate that you consider all military and civil officers in Georgia necessary for the proper administration of the State government. Now, I am informed that there are at least 2,726 militia officers in the State. In your message to the late extra session of the Legislature, alluding to the act of Congress, you say:

> If the act is executed in this State it deprives her of her whole active militia.

Well, the act is being executed in Georgia with the concurrence and approval of the Legislature, and, according to your own official statement, there is now no active militia in the State.

How, then, are these 2,726 militia officers necessary for the proper administration of the State government? To what use or purpose are they applied? The only legitimate use to be made of them is, that they should take military charge of themselves, for they constitute in and of themselves their sole and entire command. You have solemnly stated that you consider them necessary for the proper administration of the State government. Such is your certificate to the President, but in your reply to my communication you no longer pretend that such is the case; you now put your action purely and simply upon the resolution of the Legislature, and seek to place upon that body the odium and responsibility of withholding these and other sinecure officials from the Army. I cannot pass unnoticed this attempt to throw upon the Legislature the just indignation universally felt at the effort to keep able-bodied men out of the service. In my former letter to you I expressed the opinion, based upon my knowledge of the members of that body, that they never intended to withhold from the Army some five or six thousand men liable to military service, as by your certificate has been done. I repeat that opinion, notwithstanding your gratuitous assumption that it reflects upon the intelligence of the body. My remark does the members of the Legislature the justice to believe that they would scorn to participate in the wrong and injustice done both to the country and our noble Army by the withholding of these sinecure officers from military service. Your defense puts upon the members of the Legislature the entire odium and responsibility of the act. I am more than willing that they shall be the judges between us as to who has done them the greater wrong—I, in saying that they never intended to screen holders of sinecures from their duty, or you, in making them responsible for what you have done yourself. Before your efforts to throw upon others the responsibility which has attached to yourself in this matter succeeds, the public will be curious to know why you did not arrest the action of the Legislature by your favorite resort to the veto power, if, indeed, you did not approve and sanction this wholesale exemption of sinecure officers.

In view of the fact that you first gave a certificate, as required by the act of Congress, and your present denial of any intention to recognize the obligation of the law, I conclude that your position is this: You comply with the law in form, and nullify it in substance. Whatever doctrine our supreme court may have announced in the

decisions to which you refer, I feel confident you will find nothing in those decisions to justify such a practice in morals.

Though I do find in the decisions quoted in your letter that our supreme court holds that "the enrollment (by the Confederate Government) of the officers and agents by whom the State governments are operated, and without whose agency their machinery must stop," would be violative of the very existence of the State government, and hence void; yet you can not fail to observe the strict conformity of the act of Congress to the doctrine of our supreme court, for that act in terms exempts all officers necessary for the proper administration of the State government; but neither Congress nor our supreme court, nor anybody else but Your Excellency, ever conceived the idea that justices of the peace who never held a court, constables who never served a warrant, and militia officers who have no men to command were necessary for the proper administration of the State government, "without whose agency the machinery must stop."

Will even Your Excellency on calm reflection assert and certify that in any county in Georgia twenty justices of the peace and an equal number of constables are necessary for the proper administration of the State government, and that "without their agency you have serious apprehensions the machinery of the State government must stop." It does seem to me your fears and apprehensions might be quieted, especially in those districts which have had no justices or constables for several years preceding the time when the present incumbents sought and obtained those offices to keep out of the Army.

You seem to think that there is ample justification for withholding these men from the field, and protecting them in their "official retreats," in the fact that there are "Confederate officers, agents, and detailed men, who as the favorites of power have obtained safe and comfortable positions in the rear, while their less favored comrades who seldom get furloughs or details are required to meet the enemy in front." Granting the truth and justice of this imputation upon the Confederate officers and men on duty in the rear, instead of inducing you to withhold still others from the field, if you are the friend you profess to be of our gallant soldiers in the front, it should have stimulated your efforts to fill up their decimated ranks and strengthen their efficiency. It will be hard to convince those true and brave men that you were befriending them in the hours of their greatest trials by keeping out of the Army justices of the peace who have not a case upon their docket, constables who never saw a warrant, and militia officers whose whole duty consists in drilling themselves. It may be that there are Confederate officers and men in the rear who are more needed in front, and who are engaged, as you allege, in attending to their private interests and the disgraceful practice of speculation. You know that such is not the case with all of these officers, and that some of them at least occupy their present positions not at their own suggestion, but in obedience to the orders of those who have the right to assign them to these duties. But if it was otherwise, there is this striking difference in their case and that of your sinecure officials: They have seen service in the field, and have borne the heat and burden of the war in the past; they have, for a time at least, endured the privations of the camp, and encountered the dangers of the battlefield, whereas your officials have from the beginning enjoyed the same quiet and security from danger which have fallen to the lot of Your Excellency. Besides, these Confederate officers and men are liable to be summoned to active service at any moment, whereas your

officials have secured permanent exemption. It may relieve to some extent your feelings on this subject to know that one of the main objects in organizing this Reserve Corps is to relieve these very Confederate officers and men from duty in the rear and send them to the front, leaving the easier duties in which they are at present engaged to the men now being called out. Already has this object been accomplished in part, and some of the old veterans thus relieved are on their way to join their comrades in the field. Others will follow in due time.

The habit of speculation, whether indulged in by Confederate or State officers, or any others, is equally reprehensible, and as Your Excellency doubtless has personal knowledge of such conduct among State officers, I commend to your consideration the propriety of a thorough examination into and public exposure of all such cases.

The complaint you make that your militia organization has been broken up by the action of Congress in bringing the men who composed that militia into Confederate service, and that the proper defense of the State has thereby been weakened, is not justified by the facts unless you intend to throw every obstacle in your power in the way of the efficient organization of the Reserve Corps. Unfortunately for the good of the country you have it in your power to do much mischief in this way, though it will not go to the extent you intimate.

As all the material that belonged to your active militia is transferred by the act of Congress to the Reserve Corps, I do not see why the men cannot be as well spared from their business at home to serve in the one as in the other organization. If these very men could be spared from their official duties to serve in the active militia, I do not see why they may not be as well spared to serve in the Reserve Corps. The only difference is that in the one case the force would be under your command and control, and in the other it will be under the command and control of the President. You seem to think that its efficiency would be greatly increased by having the control yourself, but in this opinion I apprehend you will find few, if any, to agree with you. One thing is certain—the Legislature entertained a different opinion, for notwithstanding your earnest protest, that body did not hesitate to say by their action in turning over these men to the Confederate authorities they preferred the President to yourself. In the correctness of that decision of the Legislature there is a very general, if not universal, concurrence. Your Excellency constitutes as far as I know the solitary exception. You say:

> Prior to the extension of conscription from seventeen to fifty the President never made a requisition upon me for troops that I did not fill. To his last call I responded with more than double the number required.

This reference to your response to the last call of the President is an unfortunate one if brought forward as evidence of your peculiar qualification for raising and organizing troops. It is true you furnished the President, on paper, double the number he asked for, but owing to your divisions of the State into territorial districts, beyond which the troops could not be required to go, the number of men obtained where their services were needed, in response to every appeal and effort that could be made, was not much greater than one-half the number called for by the President.

The anxiety which you manifest for the agricultural interest and your fears that it might be seriously injured by a withdrawal of too

large a portion of that worthy class of our people into the public service involve matters of grave importance which have received, and will continue to receive, the earnest consideration of the Confederate authorities. Details and furloughs for the benefit of this interest can be as freely made under the existing organization as could have been done under your militia organization. If it is not done it will not be owing to any unwillingness on the part of the Confederate authorities to make such details and furloughs, but will be attributable to the fact [that] you have withheld so many sinecure officers from the service. I am aware that some of these officials belong to this class, but a large number of them are, doubtless, of that nonproducing class whose absence from home would cause no injury to the agricultural interest. If these men could have been brought into the Army a proportionate number of our farmers and mechanics could have been permitted to return to their homes. As it is, these worthy and useful citizens must be kept away from their business for the benefit of the less useful but more fortunate holders of State commissions in sinecure offices. To the utmost extent, however, that it can be done consistent with the public interest, I have no hesitation in saying details and furloughs will be granted.

In view of the deep interest you manifest on the subject, and satisfied as you must be that the resolution of the Legislature under which you profess to act was never intended to receive the construction you have placed upon it, I submit whether the circumstances would not justify another extra session of that body, that your hands might be untied and the services of your sinecure officials secured to take the place of the farmers and mechanics now kept from their farms and workshops. As in the programme of efficient defense which you had provided in your disbanded militia organization, you evidently calculated upon the services of your militia officers in the field, I am sure you do not consider it "necessary for the proper administration of the State government" that they should be kept permanently at home.

You are right in supposing that I am anxious to make the Reserve Corps—to the command of which I have been assigned—as large and efficient as practicable. It is my duty to do so, and I am happy to know in discharging that duty I am advancing the best interests of the country. The strength and efficiency of the Army are objects of vital importance, and those objects cannot be more efficiently advanced than by adding to its numbers. I regret that the zeal I have manifested in this matter should have incurred your implied censure, but am consoled with the reflection that it will be more kindly and favorably regarded by the brave and gallant men of our Army, who will see in it a desire to add to their strength, increase their efficiency, and advance the best interests of our country.

The liberty exercised by Confederate officers and men of participating in the discussion of political questions affecting the interests of their State seems to be a grave offense in your eye. I am charitable enough to believe that you would have regarded their conduct in this particular in a far different light if they could have found in Your Excellency's course more to approve and less to condemn. You should bear in mind that is your fault, not theirs.

I am, respectfully,

HOWELL COBB,
Major-General, Commanding.

RICHMOND, VA., *May 13, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to return to you the letter of the Honorable Secretary of the 30th ultimo referred to me for remarks. I think it is true that the policy of the Government is changed to a great extent by the late act of Congress and the regulations established as therein provided. Originally the cotton paid by the Government for supplies and freight did not diminish the quantity of cotton which private vessels were required to carry out for its account. The only exception made was in the case of the Davis & Fitzhugh contract, under a proviso that they should build or purchase new steamers and bring in entire cargoes for the Government, thus providing that the supplies might be secured, and the tonnage in the trade should not be thereby diminished. Whether or not any discrimination should be made between payments of cotton obligations given by the War Department for supplies delivered, or to be delivered within the country, or such obligations as have been given by the Treasury Department for money, cannot be determined without a better knowledge than I possess of the relative wants of the Army and of the condition of the Government loan abroad. The public faith is, I consider, equally pledged in each case. In both cases, where there is no stipulation requiring the Government to make delivery of cotton at Wilmington, I think that notice should be given that payments of cotton will only be made at other ports, or at places stipulated in the obligation, leaving that port to be used by the Government for loading its own steamers, and to pay such cotton obligations as specifically require delivery there.

It is unquestionably true that every pound of cotton that goes out under the thirteenth regulation, as now interpreted, diminishes the means of the Government abroad to purchase supplies or to provide money for other use. The cotton paid by the War Department under its oldest contracts is valued at 6 pence per pound; under later contracts at 10 pence per pound. The cotton paid by the Treasury will, I suppose, cost the person receiving it about 4 pence per pound. The cotton thus paid is exported without exaction under the thirteenth regulation, and diminishes the quantity which the Government can send out on private steamers. It would be cheaper to send the cotton out for the Government, receive the enhanced price of a foreign market—say 20 pence net—and make payments by drafts on the proceeds. The object of thirteenth regulation was doubtless to encourage the introduction of new ships into the blockade trade, to appreciate the public credit, and to enable the Government to purchase foreign supplies with cotton when it had no foreign funds at its command, or at ports where it found such purchase to its advantage. Under the operation of the thirteenth regulation I am satisfied that the whole character of the trade will be changed. All owners of private vessels will provide themselves with cotton bonds, which will enable them to carry out full cargoes for their own account, and the Government will be compelled to rely upon its own steamers to carry out its cotton. There is nothing in the contracts made by the War Department which offers any profit upon cargoes of supplies delivered. The price does not cover more than cost and usual insurance and freight. The profit is made upon the cotton, which is given in payment, and as the cotton is valued at 6 pence per pound, it cannot compete with cotton delivered or bonds which may

be purchased at such rates as to reduce to 3 or 4 pence per pound the price of the cotton. If this view is correct, then any cotton that may be given in payment for supplies will not in reality diminish the quantity which will be sent out for the Government, but only divert it from being absorbed by cotton bonds. If the Government is still the owner of the bonds, or of the most of them, it may be a matter of general good policy to allow them to absorb all the outward tonnage of private vessels, and thus enhance their value, so as to place the Treasury Department in funds to meet all the wants of the War Department for foreign supplies. If it is not the owner, and the Government has only a small number of steamers running for its own account, the necessities of the War Department will compel it to purchase some foreign supplies in its own ports and to pay for them in cotton to avoid ruinous rates of exchange. No contracts are now made for delivery of cotton at Wilmington. Two have recently been authorized by you for deliveries at Mobile and the Florida ports to encourage ships, if possible, to run between Havana and Mobile and Havana and the Florida coast, and secure much needed supplies at those ports.

Colonel Helm, at Havana, has made some small engagements with parties owning vessels and arms to deliver them on the coast of Texas, stipulating that they should receive cotton in payment. Some few exceptional contracts of the kind are desirable, and it is necessary at times to purchase some indispensable supplies brought in on private account, but the general policy, I think, should be, as suggested by the Honorable Secretary of the Treasury, to pay by draft against cotton exports both for imports and freights. But no cotton can be exported for Government unless it is transported to the ports in preference to private cotton, and cotton in payments of bonds which do not stipulate for delivery at ports.

Very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel, &c.

[MAY 16, 1864.—For orders directing General Kemper to organize the reserves of Virginia and place them at once in service, see Series I, Vol. XXXVI, Part II, p. 1012.]

PRESIDENT'S OFFICE,
Richmond, Va., May 17, 1864.

DUNCAN MACAULEY, Esq.,
No. 4 Fourth Street, Edinburgh, Scotland:

DEAR SIR: I have received your letter of the 20th of January last,* and learn with much gratification that a very large portion of the inhabitants of Edinburgh appreciate and sympathize with this people in their struggle for freedom and self-government. It is quite encouraging to know that all the efforts of our enemies to misrepresent the true nature of the conflict on this continent have been without success, and that numerous associations have been formed in Great Britain for the purpose of giving effectual expression to public opinion in our favor. The names of Mr. James Spencer and Mr. Thomas Kesshaw were known to us long before the receipt of your

*Not found.

letter as those of men to whom we owe warm acknowledgments for generous and useful service to our cause; and I pray you to communicate to them and their associates, as well as to receive for yourself, the assurances of our gratitude, of the esteem we entertain for their persons, and of the value we attach to their disinterested and active efforts in our behalf.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

HOUSE OF REPRESENTATIVES,
May 18, 1864.

General S. COOPER,
Adjutant and Inspector General:

SIR: A resolution calling for information as to the number of men in the military and naval service of the Confederate States, the number that have been killed or died of wounds received in battle, and the number that have deserted, with the States of the Confederacy from which each and all of these have come, has been referred by the House of Representatives to the Committee on Military Affairs. I have been instructed by the committee to inquire whether it is in the power of the Government at present to give the desired information. Will you be kind enough to let me know, that the committee and the House may determine the propriety of approving the resolution.

Very respectfully, your obedient servant,

WM. G. SWAN.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, May 19, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: Your letter* relative to the claim of exemption for D. L. Russell, jr., as a State officer has been received, and, as I dissent from the conclusion at which you have arrived, I beg leave most respectfully to present the reasons which have influenced my judgment.

In the first place, I am unwilling to concede that the exemption of State officers depends upon the action of Congress, believing as I do that each State has the unqualified right to exempt from military service such officers as the General Assembly may declare necessary for the due administration of the government and laws of the State. The act of Congress declaring there shall be exempted "all State officers whom the Governor of the State may claim to have exempted for the due administration of the laws and government thereof" was not to confer power on the Governor to exempt State officers, for the Governors derive their power from the constitution and laws of the State, and not from Congress, but to make the operation of the act of Congress depend upon the action of the Governors in claiming certain State officers for the due administration of the laws of the State. (See Jones' Reports, ninth volume, p. 186, in the matter of Kirk.)

The supreme court of appeals of Virginia, in the cases of Burroughs *vs.* Peyton and Abrahams *vs.* Peyton, has decided that Congress can have no right to deprive a State of the services of any officer necessary

*Of May 2, p. 375.

to the action of its government, and the State itself is the sole judge as to the officers that are necessary for this purpose.

Again, I am unwilling to concede that the Confederate Government has the right to retain in its service and refuse to discharge any conscripted citizen of a State who has been elected or appointed to an office which the Legislature has declared to be necessary for the due administration of the government and laws thereof.

You make no question as to the fact that Mr. Russell was elected to an office which I had declared necessary, but you assume that he was at the time of his election in the military service, and that "the conscription acts provide for the continuing in the Army those belonging to it, and the exemptions allowed by the acts plainly refer to persons who are not in the Army, but who are made liable to conscription."

In my opinion you are mistaken both as to the fact assumed and the construction placed upon the law. You say that Mr. Russell "was reduced to the ranks by the sentence of a court-martial." Such is not the language of the sentence of the court. It is as follows:

> And the court does therefore sentence the said Capt. Daniel L. Russell, jr., Company G, Thirty-sixth North Carolina Troops, to be dismissed from the service, and on account of his extreme youth, the court recommends the said Capt. Daniel L. Russell to the clemency of the commanding general.

What then was his status? The court sentenced him to be dismissed from the service, the commanding general approved the sentence, and the War Department directed it to be carried out, and yet you hold that he is now, was then, and had previously been in the military service.

To dismiss means to send away; to give leave of departure; not to retain; not to reduce to the ranks. The language of the court, the recommendation to clemency in consequence of the extreme youth of the party, plainly show that it was not the purpose of the court to subject him to the humiliation of being reduced to the ranks, and it is respectfully submitted that no action of the commanding general could modify or change the sentence; he could only approve or disapprove it.

You say that the first section of the act of Congress, approved the 17th day of February, 1864, entitled "An act to organize forces to serve during the war," placed in the service those between seventeen and fifty all residents in the Confederate States not belonging to the Army, for the war. From this class exemptions were to be made. This restricted operation of the act cannot be admitted. The tenth section of first clause of the act is as follows:

> That all laws granting exemptions from military service be, and the same are hereby, repealed, and hereafter none shall be exempted except the following.

After enumerating certain exemptions, it provides:

> And such other Confederate and State officers as the President or Governors of the respective States may certify to be necessary for the proper administration of the Confederate or State governments, as the case may be.

The act continues in the service those between eighteen and forty-five who were then in the Army, and declared all "white men, residents of the Confederate States, between the ages of seventeen and fifty," to be in the military service from and after the passage of the act during the war.

From the date of the passage of the act, therefore, the latter class, namely, those between seventeen and fifty, are in the military service as well as those then actually in.

The clause of exemption is general in its terms, and not restricted to any particular class, either those placed or continued in service by said act.

In the matter of Bradshaw, Chief Justice Pearson, in commenting upon the previous exemption act, the language of which was, "There shall be exempted all State officers whom the Governor of any State may claim," says, "I can see no good ground to except from the operation of these general words State officers who were in the military service." If such was the intention, a proviso to that effect would have been made, and there is no rule of law by which it can be made under construction. It was suggested in the argument that the exception should be made by implication from the use of the words "shall be exempted," and it was said that the word "exempted" is restricted in its meaning to persons who are not in the military service, and "discharged" is the proper word when referring to persons who are in the military service.

This distinction may obtain in military circles, but the word "to exempt" is not a technical term. It is a plain English word, and means, literally, "to take out of or from," and its ordinary signification is, "to free from," not to subject to any service or burden to which others are made liable, as, to exempt from military service, to exempt from taxation; and it is a settled rule of construction that words in a statute are to be construed according to their ordinary meaning unless there is something to show that they are used in a different sense.

You concede the right of the Governor of a State, from whatever source that right may be derived, to claim the exemption of such State officers as he may deem necessary, provided the exempted person be between seventeen and fifty years of age and "not in the Army." The act of the 17th of February, 1864, declares that "all white men residents of the Confederate States between the ages of seventeen and fifty shall be in the military service from and after the passage of this act." If your construction be correct, the States cannot rightfully place in office (except certain officers enumerated by Congress) any citizen except he be one under seventeen or over fifty years of age. This power being conceded, Congress may extend indefinitely, upward and downward, the age of conscription, and thus absorb the whole male white population, place them in the military service, leave the States without an officer, and thus blot them out of existence.

Upon consideration of the whole case, my conclusion is that by the sentence of the court Mr. Russell was dismissed from the service and became liable to be enrolled as a conscript; that before his enrollment he was duly elected to an office which I deemed necessary, namely, a "commissioner for distributing money and provisions to soldiers' families." I am aware of the existence of an order of the War Department which provides "that officers of the Army cashiered by courts-martial, and who may thus become liable to military duty under the conscription acts, will, when present with their commands, be at once enrolled by their respective brigade commanders. When not so present their names will be furnished by their commanding officer to the proper enrolling officer of the district to which they belong."

This proves the position which I hold, that Mr. Russell was not in the service when elected to the office of commissioner, but by being cashiered he became a conscript. You concede my right to claim the

exemption of persons liable to conscription who have not been in actual service, although declared to be in service by act of Congress.

Why, then, may I not claim the exemption of one declared in the service by the order of a commanding general or the War Department? I can see no difference. State officers have been enrolled and placed in camp of instruction, and yet the commandant of conscripts and the Bureau of Conscription have uniformly discharged them upon my claim for exemption.

What difference can it make if the party has been enrolled by a commanding general after being dismissed from the service by the sentence of a court-martial? General Whiting, in a letter to the adjutant-general of this State, says that "Mr. Russell had been allowed a short leave to make his choice of a company in which to be enrolled," but I indorsed upon it a positive order, directing him to remain at his home until further orders, viz, those of the 7th.

In a subsequent letter to me General Whiting says:

> Previous to his receipt of these orders (of the 7th instant), which directed him to report to General Hébert at Smithville, I am informed that he had been elected a county commissioner or trustee by the bench of magistrates of Brunswick County.

The order of the 7th directed him to report at once to General Hébert or General Martin for assignment or selection, as you may choose. He had not, therefore, been enrolled as a conscript at the time of his election, but had simply been ordered to report for enrollment, which order had not been received by him.

Should I be in error upon the law of the case I must earnestly urge upon you not to wound the spirit of this gallant and promising young officer by sending him into the ranks. At the age of sixteen he left the university of the State, raised a company, served in such an acceptable manner as to win the admiration and applause of his superior officers. Major-General Whiting, in approving the sentence of the court, bore testimony to his very good character as an officer. Colonel Lamb, under whom he served, gave most flattering testimony as to his capacity and efficiency. His aged father feels most keenly and sensitively upon the subject, and on his account, in behalf of the promising young officer himself, and as a matter of justice and right, I again most respectfully insist that my claim of exemption for him be allowed.

Very respectfully, your obedient servant,

Z. B. VANCE.

[Inclosure.]

HEADQUARTERS FORT FISHER, N. C.,
March —, 1864.

Lieut. Col. JOHN D. TAYLOR:

MY DEAR COLONEL: I would have written with great pleasure some time since my high opinion of Capt. Daniel Russell's social and moral worth, but I was at a loss to whom to direct the letter, so that if my opinion was of any value it might be used to his advantage. My first acquaintance with young Russell was when, in the spring of 1862, the gloomiest period of our war, he left the attractive lecture rooms of the university to encounter the dangers and fatigues of the tented field, and I witnessed his successful efforts to raise a company in his native county when the spirit of volunteering had departed from our people. I remember well an exhibition of his patriotism in

refusing, on account of his age, to take command of the company he had raised and getting a senior to assume command. Afterward, when he became captain by promotion, I was pleased to see that he brought his company to a state of discipline and perfection in drill unsurpassed by any of the companies with which it was associated in the defense of this important district. I have never heard anything but commendation from his commanders, and it was subject of deep mortification to his comrades in arms when by a decision of a general court-martial he was deprived of his command for a most unfortunate indiscretion. * * * It is my sincere hope that the President, in consideration of his past services and the promise his character gives for future good, will overlook the unfortunate result of a high spirit chafed by real or fancied indignity to a father, and restore him to his command.

WILLIAM LAMB,
Colonel Thirty-sixth North Carolina Troops.

RICHMOND, VA., *May 20, 1864.*

THE HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

The following resolution passed by the House on the 14th instant has been received:

Resolved, That the President be requested to inform the House, if not incompatible with the public interest, whether the reasons given in his special message for suspending the writ of habeas corpus still exist, and what additional reasons now exist to such extent that the public safety requires the continuance of the suspension thereof.

In my opinion the reasons given in the special message transmitted to Congress at its last session, recommending the suspension of the writ of habeas corpus, still exist in undiminished force and the present juncture especially requires the continuance of the suspension. The effects of the law for that purpose have been most salutary, and to that law in no inconsiderable degree are we indebted for the increased efficiency of the military preparations which have enabled our gallant armies, under the providence of God, to beat back the vast invading forces which still threaten us.

In my judgment it would be perilous, if not calamitous, to discontinue the suspension while the armies of the enemy are pressing on our brave defenders with persistent effort for their destruction and for the subjugation of our country.

It is a source of gratification to be able to inform you that the mere passage of the law suspending the writ was so effectual in restraining those who were engaged in treasonable practices and in dangerous complicity with our enemies that the instances are very few in which arrests were found necessary.

The effect of the law in preventing the abuse of the writ for the purpose of avoiding military service by men whose plain duty it is to defend their country can hardly be overestimated.

The sensitiveness exhibited in different parts of our country to the legislation on this subject is indicative of the love of freedom which is innate among the people, and which should ever be cherished as the sole guaranty for the preservation of their constitutional liberties. It is not doubted, however, that if those who have expressed dissatisfaction with the law had been in possession of the information which

it was my duty to communicate to you, and which may not yet be revealed without injury to the public interest, they would fully have approved the exercise of the power of suspending the writ, which was intrusted to Congress by the Constitution. All trusts impose duties. The power was intrusted expressly with the intent that it should be used when necessary to the public safety in case of invasion. Congress concurring with me that the exigency had arisen which required the exercise of the power, performed but a plain duty in passing the law, and such will, I doubt not, be the judgment of the people when the facts can be made known without detriment to their interest.

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, EXECUTIVE DEPT.,
Richmond, Va., May 20, 1864.

Honorable SECRETARY OF WAR:

SIR: I have the honor, by direction of the President, to forward for your attention and the proper action the following copy of a resolution of the House of Representatives of the 5th instant:

Resolved, That the President be, and he is hereby, requested to communicate to this House, if not incompatible with the public interest, whether the cavalry and artillery portion of the Holcombe Legion of South Carolina Volunteers are now serving together or separate. If separate, how long they have been separated, and for what reasons they were separated, and whether there exist any commands in the Confederate Army now doing duty under legionary reorganization.

Very respectfully, your obedient servant,
BURTON N. HARRISON,
Private Secretary.

[First indorsement.]

MAY 20, 1864.

To Adjutant-General for prompt attention and response.

J. A. S.

[Second indorsement.]

ORGANIZATION OFFICE, *May 28, 1864.*

The Holcombe Legion consists of infantry and cavalry. No artillery has ever, within the knowledge of this bureau, been attached to it. There are special legionary organizations in the Provisional Army; that is, several organizations combining different arms of the service. It has been found impracticable for these arms to act together in the field, and in every instance they have practically been separated from the date when each organization has gone into active service. The infantry and cavalry of the Holcombe Legion, though constituting one organization in law, have been doing duty separately since August, 1862. The legal separation of these arms in the several legions is earnestly desired by the troops concerned as well as by the War Department. To do this, however, it has been decided, requires legislation.

Respectfully submitted to the Secretary of War.

SAML. W. MELTON,
Lieutenant-Colonel and Assistant Adjutant-General.

EXECUTIVE DEPARTMENT,
Milledgeville, May 20, 1864.

Maj. Gen. HOWELL COBB,
Commanding Reserves, &c.:

SIR: In your letter of the 12th instant, received on the 16th, is the following language:

> I do find in the decision quoted in your letter that our supreme court holds "that the enrollment (by the Confederate Government) of the officers and agents by whom the State governments are operated and without whose agency their machinery must stop" would be violative of the very existence of State government, and hence void.

This admission on your part is sufficient reply to your earnest and labored argument to prove that I, in certifying that all civil and military officers of this State are claimed as exempt from conscription in conformity to the resolution of the General Assembly of this State, have nullified, or attempted to nullify, the act of Congress. If the Confederate Government has no jurisdiction whatever over the State officers, and an act of Congress directing their enrollment would, as you admit, "be violative of the very existence of State government, and hence void," such an act, being a nullity, would not be the subject of nullification, as that which is absolutely void can have no force and can bind nobody. No act of mine could make void that which is already void.

In your former letter you claim for Congress the jurisdiction to confer upon the Governors of the States the power to decide in opposition to the act of the Legislatures of the States what State officers shall be exempt and who enrolled as conscripts. You now admit that the Confederate Government has itself no power to enroll a State officer; but you do not inform me where the Confederate Government gets the jurisdiction to delegate to the Governor of a State the power to do that which it has no power to do itself. You are certainly entitled to the credit of originality for the discovery that Congress can delegate to the Governor of a State the power to do a thing which Congress itself has no power to do. The State alone has jurisdiction over her own officers. You admit that Congress has no jurisdiction over them, and cannot enroll one of them without the consent of the State.

The Legislature of the State has not only refused to give that consent, but has expressly declared that they shall all be exempt. Congress now, after the Legislature has expressly refused to give its consent to their enrollment, refers the question to the Governor to say whether they shall be enrolled, and you insist that the Governor has power under this act of Congress, which you refer to as the "laws of the Confederate Government," to set aside the act of the Legislature and order their enrollment, though you admit that if Congress itself did the very act which you insist that the Governor should do under the act of Congress, it would "be violative of the very existence of State government, and hence void."

I am perfectly willing to submit the question to the judgment of any candid man whether I did any "injustice" to an "officer of the Confederate Government," who claims for Congress such powers over the States, and whose opinions rest upon such reasoning when I expressed regret that he had fallen into the error of believing that the "States derive their powers and the people of the States their rights and privileges from the will of Congress." An officer of the Confederate Government has no just right to charge any one with ignorance

or conscious misrepresentation for attributing to his own mind the conclusions which necessarily result from its own reasoning.

If an officer of the Confederate Government had never been considered a very decided advocate of State's rights or State sovereignty, but had filled office in the Federal Government most of his political life with an eye to its highest official position, and while he considered his prospects bright had seemed to regard the Union as the greatest good, but when he lost sight of obtaining the highest position in the Union, if he warmly espoused for a time the cause of State's rights, to get out of the Union that he might take his chances in the new organization, and he then claimed for Congress such powers over the States as I have above referred to, it might not be injustice to consider these things in forming a conclusion as to his present political opinions.

You are so much accustomed to practice upon popular credulity and appeal to popular prejudice by the cry of conflict between the State and Confederate governments that you seem to feel that an opportunity for making political capital is lost when you are left without a pretext for bewailing a supposed conflict which you so often attempt by a stretch of the imagination to discover far in the misty distance. As this cry of conflict now constitutes your political stock in trade, and you have much reason to fear "Othello's occupation gone" whenever you can no longer alarm the people with it, I can well imagine your disappointment when I so shaped my certificate as to maintain the sovereignty and rights of the State, carry out the resolution of the Legislature, and avoid all conflict or appearance of conflict with the President.

You refer to the example of Governor Smith, of Virginia, who, it seems, has turned over the justices of peace of that State under fifty years of age to conscription. If the newspapers are to be credited, while he has done this he has claimed as exempt other classes of persons who are not strictly State officers or agents, and are not, therefore, claimed by me as exempt, which sums up the whole number claimed by him to a larger aggregate than I have claimed under the resolution of the Legislature of this State.

I am not advised as to the action the Virginia Legislature had taken upon this subject. From my knowledge of Governor Smith's character I feel satisfied, however, that he has not turned over to conscription any officer of the State whose enrollment has been forbidden by the act of the Legislature. I unite with you in honoring Governor Smith for his services in the military field, which, I suppose, afford satisfactory evidence even to yourself that he is not wanting in either courage or patriotism; and yet I suppose you will not pretend that he has shared in the dangers of battle or spent much time in the field with the soldiers since he has been called by the people of Virginia to the responsible position of Executive of his State.

I have not heard of the military exploits in the field of Governor Smith, of Virginia; Governor Vance, of North Carolina; Governor Bonham, of South Carolina; Governor Watts, of Alabama; Governor Clark, of Mississippi, or Governor Allen, of Louisiana, since each, respectively, was called from the Army to preside over the executive department of his State. Take a more distinguished example. I have not heard of the instance since the war commenced in which Mr. Davis has exposed himself to the dangers of battle. Each of these gentlemen since he has been called to the discharge of executive duties has enjoyed "the same quiet and security from danger" which you say "has fallen to my lot," and I presume neither of them has

been less useful, or found his cares and responsibilities less embarrassing in the "security from danger" which he has enjoyed in the discharge of his official duties, than they were when he occupied a position in the field.

I am perfectly willing that the hardy, wayworn veterans of Georgia who are kept in the front, and have no comfortable office, and no command in the rear, who left their wives and little ones to defend your large inheritance, as well as their own log cabins, to whom, when naked and barefoot in the dreary storms of winter, I have sent clothes and shoes when they could get none from the Confederacy, and whose poor, helpless wives and little ones I have labored day and night to procure appropriations, and get up supplies to feed and clothe, when suffering for food and raiment, shall judge whether my services have been more valuable in my present position than they could have been in the field, however a good soldier I might have been able to make; and whether I have indeed been their friend, or, as you would intimate, only their "pretended friend." I am as well content to abide their judgment now as I was last fall when, with remarkable unanimity, they gave me assurances that they were my friends, which were as gratifying to me as they were mortifying to conflict croakers and enemies of the State government, who had spent more time and labor in misrepresenting my motives and my acts and attempting to convince the people at home that the Army was almost a unit against me, than they had in providing for the wants of the soldiers or the comfort of their families at home.

You call attention to the number of militia officers in this State, and refer to my statement in my late message that if the act of Congress is executed in the State it deprives her of her whole active militia; and you say the act is now being executed which leaves these militia officers to take "military charge of themselves," for, say you, "they constitute in and of themselves their entire and sole command."

Now, it does seem to be a little remarkable that a Confederate major-general of the reserves, who you say are to be left to the "easier duties" "in the rear," in which others who are to "join their comrades in the field" are "at present engaged," should conclude that he is entitled to a monopoly in the easier duty in the rear, and should assume that his own reserves are the only reserves. I beg you to remember that the laws of this State provide for militia reserves, who are to participate with you in the discharge of those "easier duties" "in the rear," and who, when the active militia—or militia proper—have gone, may in great emergencies be called out to "repel invasion, suppress insurrection, or execute the laws." If, when the active Confederate soldiery have been called from the discharge of the "easier duties" "in the rear" to "join their comrades in the field," you, as the commander of the Confederate reserves, find other occupation than the military charge of yourself, experience may soon teach you what use there may be for officers of the militia reserves after the active militia have gone to the field. The great desire on your part seems to be that these officers of the militia reserves shall be transferred from their present reserve service to the Reserve Corps under your command.

Their "official retreats" in command of reserves seems to annoy you, but you have no objection to their "private retreat" as reserves, if placed under your control. In other words, it seems to be a question

whether you or the proper State authority shall command these State reserves, and the Legislature with great unanimity determined to leave them under the command of the proper State authority. If you are not the "solitary exception on the other side" who find fault with the action of the Legislature, I would submit whether modesty may not suggest the propriety of your acquiescence in the decision of the General Assembly of your State upon this point. I do most respectfully insist that while engaged in the command of reserves, who you must admit are a very useful organization, you should have a little more fellow-feeling for those who are engaged in the honorable and useful employment, which occupies all your own time which you cannot spare to the important political duties of your office. In your letter appears a reiteration of your former statement that from your knowledge of the members of the Legislature they never intended to exempt all State officers, though they have solemnly declared on their official oaths that they did so intend. And you go further, and in effect say that neither Congress nor our supreme court nor anybody else but myself ever conceived the idea that the justices of the peace, constables, and militia officers (for whom you seem to have a great aversion) were to be exempt.

I am aware that you, while your fellow-generals were in front of the enemy in the field, spent days and nights in Milledgeville lobbying and lecturing the members of the Legislature at its late session for the purpose of convincing them that it was their duty to sanction the late act of Congress suspending the privilege of the writ of habeas corpus; but as neither your knowledge of them nor their knowledge of you influenced them to sustain your views, I am still at a loss to know, and you have not been pleased to say, how you are able to determine from your knowledge of the members that they did not understand the meaning of plain English words, and when they said all civil and military officers should be exempt, they did not mean justices of the peace, constables, and militia officers; and how it was that the supreme court, when they said State officers and agents, did not mean justices of the peace, when the constitution of the State, which the judges of the supreme court are sworn to support, expressly mentions justices' courts as part of the judiciary of the State, and makes justices of the peace as much State officers as judges of the supreme court. As this new rule, which you have the honor of discovering, of interpreting the meaning of the language used by the Legislature by your simple knowledge of the members, which proves that the English word "all" means only part, is unknown to the authorities on the rules of construction, and as you have not thought proper to explain or elaborate it I presume the world must remain in ignorance of it till such time as you may think proper to enlighten the judges and other luminaries of the law. I suppose you were guided by this new secret rule of construction when you, while referring to my certificate, use this language:

> The Legislature had declared that all civil and military officers should be exempt; still, you did not say that the Legislature demanded the exemption; your language is, "I claim, as exempt," &c.

To say that the Legislature has declared that all civil and military officers shall be exempt, but the Legislature does not demand their exemption when it says they shall be exempt, is to draw a distinction which, I presume, would be rather refined for the comprehension of the supreme court.

But you recoil at the odium which would attach to the Legislature if their language should be construed to mean what every sane man in the State except yourself knows it does mean, and was intended to mean. Now, I trust you may be able to quiet your apprehensions for the safety of the Legislature with the cool reflection that after all your efforts to stir up public odium upon this question it is only inhaled in the atmosphere breathed by yourself and co-laborers, many of whom were themselves defeated candidates for the very offices whose incumbents in "official retreats" they affect to regard with so much loathing and detestation. As a majority of the voters elect these officers, the reasonable presumption is that they feel less indignation at their own action than is professed by defeated candidates and designing politicians.

My attention is invited by you to the propriety of convening an extra session of the Legislature to repeal this resolution and turn over these State officers to conscription. As it is a question upon which the same Legislature which I am invited to convene has already acted, and as they have, after returning home and consulting with their constituents, been in session since the passage of the resolution, and as they had the benefit of a lecture from you upon their duties when last in session, and did not think proper to reconsider and reverse their action, I do not feel called upon to incur so heavy an expense to the State for the gratification of a single individual who was much exercised about the unnecessary expense incurred at the late extra session.

Again, when I take into account the fact that we are obliged to have provisions another year, and to have some able-bodied men at home to attend to the business of the country, and to look to the wants of the wives and children of our brave defenders in the field, and that you are taking so large a number of the population of the State by conscription, including the lame and the halt, if not the blind, who might be of some use at home, but can be of none in camps of instruction and in hospitals, and that of the whole number of State officers probably nine-tenths are either farmers or mechanics, or, as shown in my last letter, exempt without regard [to] their State offices, or who were elected to those offices because the people considered their services more valuable at home than in the battle-field, I must decline to comply with your suggestion, however much I may regret my inability to relieve your mind from the disquietude which the presence of some of these State officers as co-laborers in command of reserves seems to excite. You will at least have the consolation to know, however, that you have the oldest commission as major-general of reserves, and are therefore the ranking officer in that service. If you should at any time chance to go to the front, where the emergency is pressing, I trust you will find the officers of the reserve militia with a goodly number of the civil officers there in advance of you, prepared to welcome you, and to vie with you in patriotic deeds and heroic valor till the danger has passed. As they are now hastening to the front to meet the enemy in the present emergency, let me suggest for your consideration whether it would not be more profitable to the country that you follow their example than that you remain at home to make issues upon them, and attempt to stir up public indignation against them in the rear while they are confronting the enemy at the post of danger.

I am assured by your letter that the defense of the State will not be weakened by the breaking up of the State militia, under the act of

Congress, to give you material of which to form a command, unless I throw every obstacle in my power in the way of the organization which you are to control. Since the action of the Legislature I have not thrown the slightest obstacle in the way of your calling out and putting into your organization every man subject to your control under the laws.

You have had a fair, open field of operations for nearly two months, while the enemy were massing a heavy force upon the soil of the State, with every reason why you should expect a most formidable attack by this time. You have had all the motives to which you refer with so much apparent feeling in favor of re-enforcing and relieving our gallant men in front to prompt and stimulate you to activity and energy, and with all this time for preparation and these weighty reasons to wake you up to prompt action, without which no military commander can be useful, I fear you are not prepared, and that it may still take you weeks to complete your organization and reach the field with your command in condition to strike an effective blow for your State in this critical hour of her danger. Within as long a time as that already consumed by you the adjutant and inspector general of this State, under my direction, had organized over 20,000 militia, who would have been subject to have been called out for the emergency upon the shortest notice, and might now have been in Cherokee, Ga., ready to aid in the great struggle had not the organization been crippled that its most active material might be turned over to make your command.

Your attempt to divert attention from your tardiness in this most important and critical period, when so much depended upon your promptness, by taking up time in raising issues about the exemptions of State officers, and whether it was best that I or the President should command the militia, cannot succeed. After assuming that everybody desired that the President should command them you put me down as the solitary exception on the other side. I presume you had neglected before making the assertion to examine the journals of the Legislature upon that question.

While the resolution to turn over the part of the militia between seventeen and fifty to the command of the President passed by a majority of the Legislature, you may probably learn from the journals and from your knowledge of the members that the minority was too large and respectable to leave any foundation in fact for your assertion.

If it should turn out that the President has been so unfortunate in his selection of a proper officer to organize and command this force as to render it useless at the time when it is most needed, the action of the minority of the Legislature, which was in favor of retaining the State militia already organized for the emergency, may be proven to have been wiser than you are willing to admit.

While referring to the Confederate officers who hold positions in the rear you say that I know that some of them occupy their present positions not at their own suggestions, but in obedience to orders of those who have the right to assign them to these duties. I think I do know of at least one instance in which the President, having once trusted a general with a command in the front which required some qualification for the position, afterward transferred him to the rear, and I know of no reason for calling into question either the patriotism or the prudence of the President in making the transfer. Doubtless his action was prompted by a desire to promote the best interest of the service.

Referring to my statement in my last letter that I, in response to the last call made upon me by the President for troops, had furnished over double the number required, you say the reference is an unfortunate one, &c. You then admit that it is true I furnished the President on paper double the number asked for, but you affirm that owing to my division of the State into territorial districts beyond which the troops could not be required to go, the number of men obtained when needed, &c., was not much greater than one-half the number called for by the President. In order to test this statement by the standard of truth it is proper that I refer to the call made by the President for those troops and the service to be rendered by them. The call made by the President through the Secretary of War was based upon the two acts of Congress passed 21st of August, 1861, and 13th of October, 1862, to raise troops for local defense and special service. One of these acts, as you well know, declared that troops under it may be mustered in for local defense, and gives the troops the right in their muster-rolls to set forth distinctly the "services to be performed." In specifying the objects of the call the Secretary of War, in referring to those acts upon which it was based, uses this language:

> Under the former of these, if organizations could be effected with the limitation prescribed in their muster-rolls, of service only at home or at specified points of importance within the particular State, they would be admirably adapted to obtain the desired ends of calling out those best qualified for the service—of employing them only when and so long as they might be needed, &c.

Under this call each company had the right to specify on paper—that is, in its muster-roll—what places it would engage to defend. If the muster-roll specified that the company would act for local defense, in the language of the Secretary of War "at home" or at "specified points," it was a full compliance with the call, and troops so organized, the Secretary says, are admirably adapted to obtain the desired ends. Now, so far from accepting troops with the narrow territorial limits in their muster-rolls, which by the call of the President they were authorized to prescribe, I required them—except in cases of troops for the defense of certain cities, &c.—to prescribe a larger limit, covering at least one-fourth of the territory of the State. I not only furnished over double the number of troops required by the President, but I tendered them, most companies covering with their muster-rolls a much larger space of territory than the President required. Indeed, a considerable number of their muster-rolls covered the whole State as their limit. Each and every company was therefore tendered with as large a territorial limit as the President called for, and each and every one was subject to do service at any moment within that limit if the emergency happened which they were organized to meet. You were the major-general placed in command of these troops; you had before you the acts of Congress under which they were organized; you knew that their muster-rolls covered as much territory as either the act of Congress or the call of the President required, and you admit that I furnished double the number called for.

Your denial that I filled the requisition according to the call of the President was made with full knowledge of the facts that the call was not only filled, but doubly filled. As you cannot plead ignorance in mitigation of your palpable misstatements, I must leave you to reconcile it with the facts as best you may. Whether you employed those called to the field "only when and so long as" the emergency lasted for the kind of service which they were called for to perform,

as was promised by the President, or kept them in the field at great inconvenience to them and loss to the State after the emergency had passed, that you might not be left with wreaths upon your shoulders without a command, is a subject upon which those who were then subject to your orders are entitled and doubtless have their own opinions.

Upon the subject of "reprehensible speculations" you take occasion to say that I "doubtless have personal knowledge of such conduct among State officers." In this you labor under a very erroneous impression. I know of no reprehensible, dishonorable, or unjust speculation among State officers. If you have knowledge of any such it will doubtless be an agreeable task for you to expose it, and I commend the subject to your earnest attention.

Taking the term "personal knowledge" as used by you in connection with reports in circulation that in the bitter denunciations of me with which you are accustomed to entertain those around you, reference has been made by you to certain lands which I have purchased in Southwestern Georgia, with some other property, and insinuations thrown out that I had obtained the money by unfair means, I may be justified in making such reference to my individual affairs in this connection as under other circumstances would be improper.

Before the war commenced I had a handsome property, which yielded me, outside of my salary, a competent income. I had inherited very little of it, but had made it by industry and energy and what the world is pleased to call good luck—as by the discovery of a mine upon lands which I had purchased for a small price for other purposes.

Since the commencement of the war I have inherited, as the records of the county will show, over $20,000 in gold or its equivalent, which was invested before the depreciation in a manner to be worth in the currency in its depreciated condition the past winter a larger sum than would have been necessary to pay for every dollar's worth of property I have purchased, including my lands in Southwestern Georgia.

If you will take the trouble to calculate a moment you will see that $20,000 in gold last winter, or this spring, at 20 for 1 was worth $400,000 in currency; or if the gold had been invested so as to be worth 10 for 1 it was worth in currency $200,000, which latter amount in currency will a great deal more than cover all the investments in property which I have made.

As the amount of inheritance to which I have referred came to me in right of my wife and children, I feel quite sure that you will not object to this as a "reprehensible speculation" or a dishonest mode of obtaining property, if the sum inherited even amounted to all I ever made.

At the time I made the purchase of the southwestern lands and a small interest ($10,000 in currency) in iron property in Bartow County I did not choose to convert all the securities I had into currency, and I borrowed most of the money to meet the payments, and owe $50,000 in currency. I expect to pay this back whenever, in my judgment, the securities in which I invested gold, or part of my lands, will bring the best price in currency and take the least amount of property to raise the money. I believe my creditors are not apprehensive of loss. I will only add that I have the gratification to know that I never lived in ease upon the property of my wife and children while my judgment creditors were delayed in the collection of their just dues.

I am probably due you an apology for this reference to my individual business. I certainly am if by the use of the term "personal knowledge" you did not intend to impute anything dishonorable or unjust to me in my individual transactions. If you did, I have given you such information as will enable you in future to avoid misrepresenting me personally, if you have the will to do so, whatever may be your opinions of the merits of my official acts [as] a public officer; upon the latter subject I must confess I feel a very cool indifference.

Respectfully,

JOSEPH E. BROWN.

EXECUTIVE DEPARTMENT,
Milledgeville, May 21, 1864.

Hon. C. G. MEMMINGER,
Secretary of the Treasury, Richmond, Va.:

Your telegram of the 10th did not reach me till yesterday. The act of Congress to which you refer, which prohibits the exportation of cotton and other productions except under such uniform regulations as shall be made by the President, has in it this express proviso, "that nothing in this act shall be construed to prohibit the Confederate States or any of them from exporting any of the articles herein enumerated on their own account." The 300 bales of cotton upon the Little Ada belong to the State of Georgia, and I propose to export it on State account to pay for blankets for Georgia soldiers, and if any surplus to apply it to the purchase of cotton cards for the people of the State, under an act of the Legislature.

I deny your right to repeal the act of Congress by your order, or to refuse clearance to the State under any just rule of construction which you can apply to the plain proviso in the act of Congress. I therefore again demand clearance as a right, not as a favor, and waiving for the present the question of your right to ask it of the State, offer to pay export duties.

JOSEPH E. BROWN.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., May 21, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I am, in accordance with your directions, preparing with all earnestness the organization of the reserves into regiments. Two of these regiments are now on duty at Anderson. I expect to send a third in a few days. One is on duty here, and by the middle of next week I shall have another organized at this point. By the 1st of next month I hope to have three others organized. I fully concur in the views of the President and yourself that these men should not be kept permanently in the field, but with the demands made upon me for guards, &c., I shall be compelled to keep them all in service. I trust that the condition of the country may soon authorize a different course. A circular from the Conscript Bureau positively forbids any persons between eighteen and forty-five from holding office in the reserves. I beg most earnestly that no such order will be enforced. It is a virtual disbandment of the reserves. If the officers of that age were now taken from the regiments now on duty it would utterly ruin

them. These regiments are employed in an important service, and I do hope, trust, beg, and entreat that the officers be permitted to remain with them. They are inefficient enough, God knows, without this final, fatal blow. The number of men fit for the field is too small to make any difference with the efficiency of the Army, whilst with this corps they are all important. Rest assured the efficiency of our Army will not be weakened by the simple act of justice to our brave privates of allowing them promotion. Don't, I beg you, don't permit this wrong, both to the service and good men.

Very respectfully and truly, yours, &c.,

HOWELL COBB,
Major-General.

[Indorsement.]

MAY 27, 1864.

From the time you were charged not merely with the duty of receiving companies of reserves and organizing, but with the duty of organizing the companies also, you were of course exempt from the obligation of Colonel Jordan's circular, and was free to exercise your discretion. Besides, that order went further than my intent, which was misunderstood by Colonel Preston. I did not wish active conscripts or men in the field between eighteen and forty-five eligible, but I expect many of the exempt or invalided classes to be so capable of selection. I cannot agree with you in thinking men should be taken for such casual service from the field, but I will not take away existing officers or prevent the selection of invalids or exempts, &c.

J. A. S.,
Secretary.

EXECUTIVE DEPARTMENT,
Milledgeville, May 21, 1864.

Col. WILLIAM M. BROWNE,
Commandant, &c.:

SIR: I am gratified to find that it is your desire, while you discharge your duties faithfully to the Confederacy, to respect the rights of the State and her officers and to avoid, as you say, any "real or apparent conflict" with the State authorities. You submit the inquiry whether I claim as exempt from conscription persons who have been elected to State offices since their enrollment as conscripts. I hold that any citizen not actually in military service may accept any office to which he may be elected, and that he is not in service till he is actually enrolled and personally notified of his enrollment. I have already informed many who have applied to me for information that if there has been actual enrollment and personal notice to the conscript that he is enrolled before he is elected or appointed to a State office the election or appointment will not protect him. Some have differed from me on this point for whose legal opinions I have much respect, and have expressed the opinion that persons in the military service of the Confederacy have the right, without the consent of that Government, to accept civil or military office under the State government, which entitles them to protection under the resolution of the Legislature of this State, which declares that all civil and military officers of this State shall be exempt from conscription. I have therefore advised such as entertain this opinion to submit the case to the judgment of the judiciary by habeas corpus if not content with my ruling;

and if they are sustained by the judiciary, which I trust will not be disturbed in or denied the right to hear such cases, it will then be my duty to protect them.

Till the courts have decided otherwise I shall act upon the rule that all who are elected or appointed to State offices before they have been actually enrolled and personally notified of their enrollment are entitled to protection under the decision of our supreme court which denies jurisdiction over State officers to the Confederate Government, and the resolution of the Legislature, which has jurisdiction over them, that they shall all be exempt; but shall hold that those who are in the actual military service of the Confederacy cannot, during their term of service, accept office in the State without the consent of the Confederate Government.

You are doubtless aware that there are certain classes of State officers whose previous enrollment will not interfere with their right of acceptance, as the Confederate Government has already by the act of Congress given its consent to their discharge from military service when elected as members of the General Assembly, judges of the courts, clerks of courts of record, sheriffs, ordinaries, &c. I shall expect you to discharge even from camps of instruction persons elected or legally appointed to fill any of the offices mentioned in the act of Congress, as I consider that they have the consent of the Confederate Government, which for the time has control of them, that they be discharged to accept these positions when legally tendered to them; but till the courts rule otherwise I shall hold that persons in military service have no right to be discharged to accept offices not mentioned in the act, as the Confederate Government has given no consent in these cases.

I am happy to be able to state that there is no prospect of conflict between me and the Confederate Government upon this point. I also hold that a State officer who has voluntarily enlisted in the military service of the Confederacy has waived his right as an officer and cannot fall back upon his office for protection. If, however, he volunteered under threats of coercion or of immediate enrollment and arrest if he did not do so, or his consent was obtained by fraud or misrepresentation, you will no doubt agree with me that his act in volunteering would not bind him; and I shall expect you in such case to order his discharge upon proper evidence that the enlistment was not voluntary. I will also add in this connection that under my proclamation, which has never been revoked, all military officers of this State are required and civil officers expected to be active and vigilant in the arrest of deserters and stragglers from the Army. They are therefore expected to co-operate with and assist your enrolling officers in making such arrests, as they have frequently made arrests in remote portions of the State and had much difficulty in disposing of the deserters to a proper Confederate officer and in procuring the repayment to them of money which they have paid out as necessary expenses and which they are not able to lose. I would suggest that you publish some proper regulation to meet these difficulties in future.

You are authorized to make such use of this letter as you may think proper.

Appreciating your personal courtesy and reciprocating your desire to avoid all misunderstanding,

I am, with great respect, your obedient servant,

JOSEPH E. BROWN.

AN ACT to provide passports for Senators and Representatives in Congress when traveling in the Confederate States.

The Congress of the Confederate States of America do enact, That it shall be the duty of the Secretary of State of the Confederate States to furnish, without application, each Senator and Representative in Congress, Delegate and officer of each House, with a certificate under seal, setting forth the official character of such Senator or Representative, Delegate or officer; and such certificate, when exhibited, shall entitle the person to whom it is issued to travel without other evidence, of any kind, in all parts of the Confederate States, except that it shall not entitle him to visit an army or vessel of war against the orders of the commanding officer thereof.

Approved May 23, 1864.

AN ACT to exempt railroad companies from the payment of certain duties.

The Congress of the Confederate States of America do enact, That all machinery and materials in any wise necessary for the construction, equipment and operation of railroads, imported by any railroad company for its own use, and all engines, cars, and other rolling-stock, for use upon any railroad, be admitted free of duty during the existing war.

Approved May 23, 1864.

RICHMOND, *May 23, 1864.*

Governor JOSEPH E. BROWN:

Your telegram of 21st instant is received. Clearance cannot be given except in conformity with the regulations of the President.

C. G. MEMMINGER,
Secretary of the Treasury.

HEADQUARTERS GEORGIA RESERVES,
Macon, May 23, 1864.

His Excellency JOSEPH E. BROWN, Governor,
Milledgeville:

SIR: Your letter of the 20th instant was received by yesterday's mail.

I am not disposed to consume time upon the irrelevant topics which you have dragged into the discussion, especially as you have lost sight of the practical questions involved, and seem to write for the sole purpose of indulging in personalities which you supposed would be offensive. This correspondence commenced in an effort to get you to abandon a certificate which you had given, that it appears both from your admissions and conduct was untrue. You had certified that "you considered all the civil and military officers of the State necessary for the proper administration of the government of the State." Now, in view of all you have said on the subject in this correspondence, as well as your recent orders calling a large number of these officers into military service, do you not feel self-condemned in having certified to a statement which is untrue, and which you knew to be untrue at the time you gave the certificate? This is the whole point of controversy, and all else has been drawn in by your efforts to avoid

the odium and responsibility which you have incurred by conforming your action to this false certificate.

That you have been driven to abandon this pretense to the extent of calling out the officers who are not necessary for the proper administration of the State government proves that my efforts have not been wholly fruitless. Had you done so at the time and in the mode I suggested, it would perhaps have been better for the country, and at the same time saved you from the exposure to which you have subjected yourself. You reiterate your claim upon the gratitude of our soldiers for what you have done in providing for their wants and the necessities of their families. Everyone has awarded to you and your officers full credit for what you have done with the public money. In these particulars you seem, however, to be nervously apprehensive that it may be forgotten, as you never lose an opportunity of calling attention to it. I would suggest that it might not be inappropriate, in some of your future references to the subject, to give some of the credit to your fellow-citizens, who by their cheerful payment of the taxes imposed upon them have placed in your hands the means with which you have contributed to the wants of our noble soldiers and their deserving families. It is a duty in which all have participated with a cheerfulness and earnestness worthy of the object, and for which all deserve and will receive the grateful thanks of our gallant soldiers. We have not and cannot do too much for these noble men and their suffering families. In your zeal to magnify your own conduct you should not forget what is due to others equally as deserving as yourself. The men whose gratitude you seek to obtain will not think the less of you for it.

You have so often repeated the statements of your great success in furnishing more than double the number of troops the President called for in September last that I am not surprised at your loss of temper at the exposition of the fact that you simply furnished that number on paper. You should remember that you are responsible for the introduction of the subject into this correspondence, and if the exposure is mortifying to your pride you brought it upon yourself.

The acts of Congress under which the call was made are plain and simple, and could have been responded to without the embarrassment of territorial divisions which you resorted to. Your effort to escape from the exposure by the use of offensive language is quite natural to a man who has lost his temper, and may be pardoned in one who has so many graver offenses to atone for.

In reference to the one Confederate officer who was transferred by the President from a position in front to one in the rear, you say you "know of no reason for calling into question either the patriotism or the prudence of the President in making the transfer." Whether your description of this position as a "safe and comfortable" one be correct remains yet to be seen; but it is evident you so considered it, and, so considering it, your application to become his volunteer aide, with the fact that you never so honored him as long as he was in the enemy's presence, is a very significant illustration of the direction which your ambition takes in time of war. It seems that not until you perceived his fitness for a "safe retreat" did you perceive your own fitness to become his aide. Let me assure you that if that officer had then known the conviction under which you acted he would have been more impressed with your qualifications for the post to which you aspire, for whilst your opinion of that officer may not be

concurred in by others, no one will question the correctness of the estimate you have placed upon yourself.

It is due to myself to say that in my allusion to your "personal knowledge" of State officers engaged in speculation I did not refer to the charge made against you of dividing with some of your State contractors the large profits they were accumulating from these contracts. What I said was in direct response to your own remark about "protected men" engaged "in attention to their own private business and speculations." I had no reason to believe that you had been "dishonorable or unjust" in your speculations, so fully explained in your letter, and I had too much respect for your sense to believe that you would engage in any improper transaction in which you were liable to be so easily detected. As to the manner in which you have accumulated your fortune, whether by inheritance or by trading and trafficking, I neither know nor care, as it does not throw the least light upon the question involved in this discussion, which is the truth of your certificate, in which you say you consider all the civil and military officers of this State necessary for the proper administration of the State government.

I shall leave you in your allusions to my own pecuniary embarrassments in the past to the full enjoyment of all the pleasure which a low and groveling mind derives from the repetition of stale and malicious slanders. When those who originated them blush in the remembrance of their turpitude, the subject becomes eminently suited to one of your taste and instincts.

Respectfully,

HOWELL COBB,
Major-General, Commanding.

BOX 1122, RICHMOND, VA., *May 23, 1864.*

Colonel HOLLIDAY:

DEAR SIR: I think you told me that if I could give the Secretary proof that I could raise fifteen men he would authorize me to form them into a company for the special service I had suggested.

The following-named gentlemen have several times assured me that they would serve with me on such, and most of them have done so. They are from the Eastern Shore and about Norfolk, and Missouri, Kentucky, and Canada. Some are now in prison, captured with me; others are in the Confederacy, and some on Eastern Shore:

Annan, Baker, Brown, Brock, Cobb, Crouse, Chinn, Doughty, Doughty, Fitzgerald, Hudgins, Hamson, Morehead, Reed, Stedman, Thomas, Wheeler, McGrim, Kiedel (19). Several others have made similar promises whose names I cannot recall, and communication now is so uncertain that I cannot get their names. I entertain no doubt of my ability to get more men, provided we can get the privilege of remaining in this branch of service as long as such branch exists.

I hope you will [not] feel troubled by my sending you this and requesting you to use it if you think it will [be] of any assistance to me.*

Respectfully,

J. Y. BEALL.

*For papers relating to Beall's subsequent arrest and execution, see Series II, Vol. VIII.

[Indorsement.]

MAY 23, 1864.

Hon. J. A. SEDDON:

DEAR SIR: I have known Mr. Beall, the writer of the within, from his earliest infancy, and have observed closely his bearing and conduct since the very beginning of the present war, and I beg leave to say to the Secretary, in the first place, that he may rely with the most implicit confidence, not only on assurance given within of his ability to raise the company of men referred to, but upon any and every other statement that Mr. B. makes on the subject or on any other subject.

I consider Mr. B. one of the most gallant and patriotic young gentlemen that Virginia has produced during the war, and that he is not less noted for intelligence and his loyalty to truth and honor.

I have the best reasons for speaking thus emphatically of Mr. B., and I do not hesitate to pledge my own reputation for the correctness of what I here avouch.

Respectfully,

ANDREW HUNTER.

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., May 24, 1864.

Colonel PRESTON,
Chief of the Bureau of Conscription:

COLONEL: The following extract from the inspection report of Lieutenant-General Polk's command, by George B. Hodge, colonel and assistant inspector-general, is respectfully referred to the Bureau of Conscription for its information. It is requested that information may be afforded the assistant inspector-general of what measures have been adopted to remedy the evils herein mentioned.

"From the commencement of his administration of the affairs of the department, the lieutenant-general commanding complains that he was embarrassed by the evils ensuing upon the inefficient administration of the conscript laws and the failure of the Bureau of Conscription, which was charged with the duty of arresting absentees, to perform its functions with the necessary vigor and energy. He estimates that on assuming command there were in his territorial limits quite 10,000 men liable to military duty absent from their commands and evading the claims of the Government for their services. In the county of Jones, in Mississippi, as heretofore intimated, there were a large number of disaffected persons who had proceeded to such extremities as to engage in a raid upon and plunder of the public stores at Paulding, in Jasper County. In the country northwest of the Tallahatchee, Captain Rison, of the Confederate service, having deserted his post and enticed away with him a portion of his command, had established and inaugurated a system of private plunder ostensibly against the common enemy, but too often without regard to the sentiments of the owners of the property. He was constantly sending messages to his friends in the army and inviting them to join him, buying them by promises of brigandage and free quarters.

"In the counties of Lawrence, Morgan, Blount, and others in Alabama the recruiting agents of the Federal Government were organiz-

ing mounted regiments, colluding with disaffected citizens, and carrying on with them an almost avowed correspondence."

I am, colonel, very respectfully, your obedient servant,

R. H. CHILTON,
Assistant Adjutant and Inspector General.

RICHMOND, VA., *May 24, 1864.*

His Excellency JOSEPH E. BROWN,
Governor of Georgia, Milledgeville, Ga.:

DEAR SIR: Your letter of November 18, 1863, has remained unanswered until this time through no want of respect, personal or official, but from the pressure of events which have prevented an earlier response. It has been my earnest wish that every officer of the Confederacy, whether employed in a civil or military capacity, should testify his reverence for the law of the land by a strict adherence to its forms, as well as its spirit. In the presence of the enemy and with an army scantily supplied with the commonest necessaries of life, a general, whose first care must be that his troops do not suffer from want of food, should be charitably judged if in providing for them he inadvertently exceeds his legitimate authority. No instructions were issued to General Cobb, and none were necessary, the law empowering him to order impressments when the exigency requires it. The order of Captain Byers, the commissary, provides for the local appraisement established by law. If in the enforcement of their orders subordinates displayed rudeness or a disregard for the rights of citizens or acted violently and illegally, the complainants, by pointing out the individual offenders to the local commanders, would, I confidently hope, have procured redress; but accusations against undescribed persons afford no means of bringing them to justice. Hardship, privation, sacrifice, must be suffered for the sacred cause we contend, and I am sure that the people of Georgia will prove themselves in other respects, as they have on the field of battle, equal to the most trying tests to which they may be necessarily exposed.

Very truly and respectfully, yours,

JEFFERSON DAVIS.

MACON, MISS., *May 25, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

No reply received to my telegram of the 13th instant. Justices of peace and other civil officers declared by my proclamation exempt have been forced into service. I respectfully demand your order to Captain Wren, at Enterprise, Miss., for their discharge.

CHAS. CLARK,
Governor of Mississippi.

OFFICE C. S. MILITARY PRISONS,
Richmond, Va., May 26, 1864.

His Excellency the PRESIDENT:

I have the honor to report that while on a tour of inspection of the prisons in Georgia, I had an interview with General Howell Cobb at Macon, and communication by mail and telegraph with Richmond

being interrupted, he requested me to represent to Your Excellency certain facts in connection with the prisons in Georgia, the importance of which is so great as to require the consideration of the authorities.

By a recent order from the War Department, all veteran troops on duty at the prisons in Georgia have been ordered to the field, and the prisoners are at present guarded by the Georgia reserve force, the regiments of which are, for the most part, officered by men who have seen some service, are acquainted with guard duty, and are capable officers. They number altogether from 250 to 300, but they are between the ages of eighteen and forty-five and therefore liable to conscription. A recent order from the Conscript Bureau directs that they should be conscripted and sent to the field. If this order is enforced new officers will have to be elected; boys and old men totally unacquainted with guard duty, drill, and discipline, scarcely one in a hundred understanding the manual of arms or capable of taking charge of a guard, will have to be taken to officer the regiments of this reserve force.

For these reasons and in consideration of the very large number of prisoners of war to be guarded, comprising as they do 18,000 drilled soldiers and 1,500 officers ranking from brigadier-generals down to the lowest grade, some courageous and desperate men, General Cobb considers it extremely hazardous for the above-mentioned order to be enforced, and earnestly requests that Your Excellency will cause it to be suspended, at least for the time being.

I have the honor to be, Your Excellency's most obedient servant,

T. P. TURNER,
Major, &c.

[First indorsement.]

MAY 27, 1864.

ADJUTANT-GENERAL:

Suspend the conscription of the officers designated within, and direct General Bragg to have further inquiry and full report.

JEFFERSON DAVIS.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
May 28, 1864.

Respectfully referred to the chief of Bureau of Conscription. Please note President's indorsement and return.

By order Adjutant and Inspector General:

H. L. CLAY,
Assistant Adjutant-General.

[Third indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, June 1, 1864.

Respectfully returned to the Adjutant and Inspector General.

The President's order has been communicated to the commandant of conscripts for Georgia.

JNO. S. PRESTON,
Colonel and Superintendent.

[Fourth indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
June 7, 1864.

Respectfully referred to General Bragg under indorsement of the President.

By order Adjutant and Inspector General:

H. L. CLAY,
Assistant Adjutant-General.

[Fifth indorsement.]

HEADQUARTERS ARMIES CONFEDERATE STATES,
June 26, 1864.

Respectfully returned to Adjutant and Inspector General.

General Winder has been directed to select another depot, which will be provided with a new and additional outfit entirely of guards, &c.

For General Bragg.

JNO. B. SALE,
Colonel and Military Secretary.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ORDNANCE BUREAU,
Richmond, May 27, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to lay the following statement before you, and request that if possible you will render such assistance as may be needed in the premises. On the 5th instant requisitions were issued from this office for the various disbursing officers connected with this Department to the extent of $2,500,000. Others have since been added, making in all about $3,500,000. Up to this morning not one of these requisitions has been made out, and pay-day is now rapidly approaching. I am informed that this Department is only allowed to draw some $2,600,000 per month, which is entirely inadequate to the current expenditures, according to our last estimates, somewhat over $4,000,000 per month (including Trans-Mississippi). The above-mentioned requisites are absolutely needed, and I beg that you will authorize the same to be issued as early as practicable.

Very respectfully, your obedient servant,

J. GORGAS,
Colonel and Chief of Ordnance.

MAY 27, 1864.

Honorable SECRETARY OF WAR:

The $2,600,000 is not a limit; it is only the pro rata of the Ordnance Department upon the basis of an aggregate expenditure of $50,000,000 per month. The appropriations for six months for all the bureaus being $503,000,000, and the Ordnance Department $23,000,000, this monthly expenditure upon the basis of the estimates would be nearly $84,000,000, and the pro rata of the Ordnance Bureau would be about $4,333,333.33 per month. In April the Ordnance Bureau had $7,000,000. By the same scale, *i. e.*, the basis of the appropriations, the Quartermaster's Department would expend monthly $53,171,000. During the last month all the bureaus except the Quartermaster-General got their requisitions passed through your office for about the amounts they

would be entitled to on the scale of the appropriations, except the Quartermaster's Department, which had requisitions so passed for only $28,081,580.92, against $36,000,000 by the one scale and $53,000,000 by the other.

Respectfully,

R. G. H. KEAN,
Chief of Bureau of War.

GENERAL ORDERS, No. 48. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, May 27, 1864.*

I. The receipts of bonded quartermasters and commissaries and of agents of tax service are the only receipts valid to a producer for his tithe tax. All others are worthless and unjust impositions on the tax-payer. It is strictly forbidden that any other persons than those above named shall give receipts for the tithe.

II. In all cases of collections of tithes by officers of the Quartermaster and Commissary Departments in the field, receipts will be given monthly to the district quartermaster on tax duty. Such receipts must state the name and county of the producer.

III. Quartermasters and commissaries who have means of transportation, and all such officers collecting supplies, will give special attention to the removal of the tax in kind from interior depots to railroad stations and to the supply store-houses of the army.

IV. Officers with troops are prohibited from forcibly taking possession of the tax depots or appropriating the tithe. If they need supplies, requisition therefor will be made upon the tax officer or agent.

V. Paragraph II, General Orders, No. 107, 1863, is amended to provide that if conscripts accepted for field duty and sent to camps of instruction are, upon medical examination, found disqualified for field service but capable of performing duties named in section 8 of the "act to organize forces to serve during the war," approved February 17, 1864, certificates setting forth the ground of disability and stating the appropriate duties in any of the departments of service for which they are best fitted will be forwarded through the Bureau of Conscription to the Surgeon-General for approval, and returned to the superintendent of conscription for final action.

VI. Paragraph II, General Orders, No. 6, current series, is amended as follows:

The decision of this board, if approved by the brigade or district commander, will be final. If not approved, it will be forwarded "disapproved" to the division or department headquarters for final action, when it will be the duty of the brigade or district ordnance officer to notify the company commander, as required in the paragraph to which this is amendatory.

VII. Officers of the Quartermaster's Department will return to the quartermaster from whom grain is received the sacks in which it is contained. Failing to do so, they will be charged $1.90 for each sack not returned.

VIII. Post commanders will inspect the offices of such officers as are prohibited from employing able-bodied men in their departments or bureaus, and in cases of violation of the law, take the action required by the department and district commander, in section 9, act of February 17, 1864 (General Orders, No. 26, current series).

IX. The attention of post commanders is called to the Nineteenth Article of War. The monthly returns therein required will be made directly to this office. The name and rank of every officer at the post, and how and by what authority each is employed, will be reported in addition to the other information called for by the printed notes on the forms. Blanks will be furnished from this office upon requisition of commanders.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., May 27, 1864.

Governor CHARLES CLARK,
Macon, Miss.:

The evils from not giving a special certificate in each case are greater than I am sure you appreciate. I directed the head of the Conscript Bureau to explain them fully to you and respectfully ask you to accord to a special certificate. Of course, officers certified to by you will be exempted, and I shall not insist on any mode of certificate you object to, but urge the uniform one least liable to abuse.

J. A. SEDDON,
Secretary of War.

RICHMOND, *May 28, 1864.*

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

A bill "to provide and organize a general staff for armies in the field to serve during the war" was passed by your predecessors and submitted for my approval at the close of the last session.

I was unable to approve it, and now desire to state my objections to it, as well as my views on this important subject, in a hope that by a comparison of opinion some measure may be framed equally acceptable to the Legislative and Executive Departments of the Government.

I believe it to be established by the experience of Europe as well as our own that it is impracticable to organize and administer armies with efficiency without the aid of a general staff, permanent in its character, trained in its duties, aspiring to promotion in its own corps, and responsible to the head of the department. Such a staff should be composed of a small body of officers, whose education, experience, activity, and special adaptation to their duties render them peculiarly competent to perform functions on which an army depends for its capacity to act with vigor. In Europe years of varied education in the schools, the cantonment, and the field fit the staff officer for his position, and a long experience in the lower grades is required before he is deemed competent to duty in a more important sphere. We are forced to make experimental appointments of officers unprepared by any previous training, and who can only acquire in actual service that experience which must serve in place of well grounded instruction. It is scarcely possible to make this experience supply the defect of previous military education, otherwise than by the organization of the officers into one corps, responsible to one head, who can assign

them to positions independent of the movements of general officers, and who, by judiciously varying the field or character of their duties, can give them larger opportunities for instruction and prevent their views being narrowed to the routine and usages of a single commander, himself, perhaps, without military education.

Hope of promotion, founded on their own merit and length of good service, is as necessary to the officers of the general staff as to those of the line, furnishing the best stimulus known to honorable exertion and zealous discharge of duty. This stimulus cannot exist unless the staff be organized into one corps, responsible to one chief, who thus becoming intimately acquainted with the capacity and merits of each is able properly to distribute the duties so as to secure the services of the right man in the right place, and to afford to each an opportunity for distinction. If, otherwise, each staff officer becomes dependent upon the particular commander with whom he is serving, no means of comparison exist between the relative merits of the officers. Each looks for promotion to the favor of his general, and rises in grade, not by his own relative merit, but by the patronage of his commander. A gallant and able commander, whose own promotion is exceptionally rapid by reason of his special merits, is thus enabled to lift to higher grades the officers of his staff to whom he has become attached by companionship in the field, although these officers may be far inferior in merit and length of service to others whose duties have connected them with generals less distinguished. Promotion thus becomes with the staff a matter of hazard, dependent not on the merit of the officer himself, but of the general with whom he serves, and heartburnings, jealousy, and discontent are the natural results of so false a system.

Again, if the general staff is not formed into corps there will not be the "esprit" necessary in all military organizations, and there cannot be the co-intelligence among the officers thereof which secures the certain and rapid communication of all information through the different parts of an army. There will also be embarrassment in their tenure of office and assignment to duty, as when a general officer dies or is relieved from his command there remain no duties to be performed by the staff which has been authorized for him especially. However valuable or meritorious the officers may be, they are displaced by the staff chosen by the successor of their commander. Nothing remains but to deprive them of their commissions, without fault of their own, or to keep them in service as supernumeraries, and thus to add to the number of officers already in excess of the wants of the Army.

Again, an organization of a general staff should possess flexibility, so that the proper number and class of staff officers can be sent where needed. If an inflexible rule of assignment be fixed by legislation, some commands will be cumbered with unnecessary officers, while others will be deficient in the number indispensable to perform the necessary duties. Legislation would surely be considered unwise if it allotted by inflexible rule the number of troops to be used in each military department; yet it would be scarcely more objectionable than the assignment of the same specified number of staff officers to each commander, according to his grade, thus applying a general rule to a series of cases each requiring special treatment.

The inspecting duties in an army ought not, in my judgment, to be separated from those of the adjutants. The erroneous impression prevails that an inspecting department, independent of the general staff, is established in most of the armies of Europe. The reverse is

the fact, and the duties of inspection are so intimately connected with the other duties of the general staff that they can be properly performed by it alone. The objections to the separation are manifold. In the first place, officers having no other than inspecting duties must frequently be unemployed, even in war, while in peace their duties will occupy but very little time. Next, it is to be observed that where the adjutants and inspectors form one corps the duties of the adjutant make him familiar with the details of the service where reform and discipline are most needed, and thus render him more competent to effective inspection when assigned to that duty than he could be if exclusively employed as inspector. Lastly, the duties of an inspector are such as not to render the officer who performs them acceptable to his brother officers, if his duty be properly performed. It is not to be wondered at that an officer whose duties may not be inappropriately described as those of a detective, should, if his duty be rigidly performed, incur somewhat of the odium of an informer; and when these duties constitute the sole service of an officer permanently attached to an army, he must become either so lax in their performance as to render him useless, or his professional pride and self-respect are wounded and his relations with his brother officers unfavorably affected by the distrust and dislike resulting from his official reports. When, however, an assistant adjutant and inspector general is from time to time assigned to the making of necessary inspections at various points, this temporary discharge of an unpleasant duty becomes but an incident in his professional career, and does not affect his relations with his brother officers.

Having stated these as the general principles which in my judgment should govern legislation on the subject, the objections to the bill passed at the last session can be more easily understood, and I proceed to state them briefly:

I. The first section of the bill authorizes a general commanding armies, or a separate army, to assign to duty one of the general officers under his command as chief of staff, one of the brigadier-generals under his command as inspector-general, and one other brigadier as chief quartermaster, one officer below the rank of brigadier as chief commissary, and one as chief of ordnance.

This power of assignment is given without reference to or consultation with the War Department or the Executive, and might be exercised in contravention of the views and judgment of both. Leaving out of view the question whether it is in accordance with the Constitution to make the commander of an army independent of the Commander-in-Chief in the discharge of any of the duties of his office, and looking only to the effect of such a system, it plainly creates in this branch of the service as many independent executives as there are generals commanding armies in the field, and thus destroys that unity of design and concert of action which are indispensable elements of success in war. The generals commanding armies would be by this section vested with the right to derange the organization of their commands as settled by the Commander-in-Chief by removing from their appropriate functions the commanders of corps, divisions, and brigades, whom the Executive had selected and the Senate had approved as specially fitted to lead the troops in battle.

That the general commanding the army has, under the terms of this section, the right of assigning general officers under his command to the duties of the general staff without reference to the authority of the Executive is plain from the other sections, which declare that the

President is to appoint, with the advice of the Senate, the staffs of all general officers other than those who command armies.

Nor does this section restrict the commanding general in relation to the branch of service or the grade of the officers whom he is permitted to assign to commissary and ordnance duties of the general staff. It is only necessary that they be below the rank of brigadier-general. The commanding general would have the power, therefore, to assign a captain commissary to be chief of ordnance, or a lieutenant of infantry to be chief commissary, without check or control from the President or Senate, while the President would be without power to appoint subordinates to the officers thus selected by the general of the army without submitting their nominations for the approval of the Senate. Not only, therefore, is all order of authority introverted by these provisions, but the officers assigned to duty by the commanding generals, not being permanent members of the general staff, would be independent of its chief, and inextricable confusion would necessarily result.

This section, so far from responding to the title of the bill by providing a general staff, in reality breaks up that which now exists, subdivides it into a number of small bodies, irresponsible to the head of the department, and destroys the possibility of any regular, consistent, and intelligent co-operation in the action of our forces, so essential to success. Its effect is to create a staff for generals, not a general staff.

If a contest should arise between the quartermasters-general, the commissaries-general, or the chiefs of ordnance of Generals A and B, in any district of country for supplies or means of transportation, who is to determine between these rivals, each equal in authority and each dependent on a separate chief? How are the chiefs of those bureaus in Richmond to apportion the supplies in store according to the wants of the different armies without authority to exact from them reports and returns? If it be said that these officers would become temporarily responsible to the heads of departments, how is this responsibility to be enforced if the orders of the general and those of the chief of the department should conflict? If ordnance depots are provided at different points for different commands, how is the officer in charge of these depots to act if ordered by the chief of ordnance of a general in the field to make a different disposal of the stores from that ordered by the head of the department in Richmond?

If such a bill should become a law, in vain would the War Department seek to exact rigid obedience to law or orders from the irresponsible staff created under its provisions. In vain would it seek for the information necessary for its guidance, or attempt to change the relative strength of armies to meet the varying movements of the enemy. The staff officers could be made the ready and safe means of thwarting the Government in its orders for the removal of troops from one command to re-enforce threatened positions in another, and could be easily rendered subservient to the natural but dangerous propensity of most commanders to retain all the troops under their own control for the safety of their own commands, without reference to more urgent needs at other points.

It is scarcely necessary to add to these considerations more than a bare allusion to the tendency of such bodies of officers, when dependent for their own promotion on the favor of the special chiefs, to resort to agencies less commendable than the zealous discharge of their legitimate duties for the attainment of their desires.

II. Another very objectionable feature of the bill proposed is its effect on the officers of the general staff other than those who may be selected as the favorites of commanding generals.

Numbers of zealous, meritorious, and valuable officers have made the duties of the general staff objects of special study; have embraced the staff as a branch of the profession in which under existing laws they are entitled to promotion for merit and long service, just as the line officers have a right to promotion in their branch.

This bill deprives the staff officers of this the great incentive to the zealous discharge of duty. It debars them from promotion to the higher grades of their own branch of service, and bestows these prizes of honorable ambition on the officers of the line, who will thus monopolize the promotions to the higher grades, both in the line and staff, to the entire exclusion of the officers of the latter. Few will be willing to remain in the staff under such circumstances. Those who consent to continue will be those least ambitious of promotion, and the whole staff service will be impaired in tone and efficiency.

III. The assignment of general officers to staff duties as provided in the bill would leave many brigades, some divisions, and perhaps some corps without their appropriate commanders, and no provision is made to supply the vacancies thus created. Are their commands to be considered vacant and successors appointed? If so, what is to become of those assigned to staff duty should the commanding general revoke the assignment? If the contrary, many brigades will be commanded by the officer next in rank to be assigned brigadier, however incompetent such officer may be to command a brigade, and the like would occur as to divisions and corps, in contravention of the policy, well considered and established, that general officers are appointed by selection for merit, and not promoted by seniority. If the commanding general is ordered to another command, is he to take his staff with him, or is he to leave it for service with his successor? In either case, is the whole general staff of each army to be changed at the caprice of the new commander? This must be the effect of the bill, for the power to assign necessarily implies the power to revoke, as it would otherwise be equivalent to a permanent appointment that could only be made by the President with the advice and consent of the Senate.

IV. The fourth objection to the bill is that it applies one rigid rule for the number of the general staff, based solely on the rank of the commander and having no reference to the necessities of a command. The staff allowed is excessive in number and rank in many instances and entirely inadequate in others. A law providing a general staff on such a basis as is assumed in this bill cannot, from its very nature, be executed according to its terms. The labor required of the staff connected with a brigade, division, or corps depends on the fact of its being part of an army or a separate command as well as on the number of men; the extent of the country over which operations are to be conducted; the abundance or scarcity of supplies in the district; the existence or absence of railroad, river, or other transportation; the concentration or dispersion of the troops, and the many other circumstances which control military movements in time of war. It is impossible to apply a rigid, unbending rule to such diverse cases. An organization into corps meets all these difficulties by providing for assignment of the proper number of officers to different commands according to the needs of each.

V. The number and rank of aides-de-camp allowed by the bill is believed to be greatly in excess of those allowed by other governments and quite unsuited to the nature of ours. They would rather impede than improve the service. They would encourage love of ostentation and feed a fondness for vain display, which should rather be discouraged than fostered. The experience of this war has demonstrated that the most efficient commanders, those who have most attracted the respect, gratitude, and admiration of their country, have avoided the large retinue of personal staff which this bill would seem to sanction as proper or desirable.

VI. The objection to the enormous increase in the number of officers and expenditure that would result from the passage of such a bill becomes a matter of serious concern when no corresponding increase of efficiency is secured; of still graver importance when the opposite result is to be feared.

According to the bill as passed the staff would embrace an addition of about 400 officers, involving an increased annual expenditure for pay, rations, forage, and allowance amounting to $1,138,728 above the present staff as organized by general orders under existing legislation.

If generals are to be allowed to change the staff of each army to which they may be assigned at their pleasure, it is difficult to calculate the extent to which this abuse would grow, the number of men that would be drawn from useful service to cumber the staff, or the increase of expenditure involved.

Congress will perceive that with objections so radical it was impossible for me to approve the bill passed at the last session, and that the subject was too important to be treated in a hurried message within the last few hours of the close of a Congress. Concurring in the expediency of legislation for the organization of a general staff, I have thought a full exposition of my views on the subject would perhaps conduce to the framing of a measure which would carry into effect the views of the Legislative Department while excluding the provisions which have compelled me to decline approving that devised by your predecessors.

JEFFERSON DAVIS.

ATLANTA, *May 30, 1864.*

Maj. Gen. HOWELL COBB,
Commanding Reserves:

SIR: Your letter of the 23d instant, mailed to me at Milledgeville, has been forwarded to me at this place. As you enjoy more leisure for bandying words and indulging in personal abuse than now falls to my lot in this crisis of our fate, while the enemy is pressing hard upon us, I shall content myself with a short reply to your misrepresentations.

Having already shown to the satisfaction of any intelligent mind, not too much warped by prejudice to see the truth when presented, that my certificate claiming all civil and military officers of this State as necessary to the proper administration of the government of this State is in strict conformity to the resolution of General Assembly, whose authority and sole jurisdiction over the question has been solemnly adjudicated by our own supreme court; and not having claimed a single officer as exempt from conscription whose office is

not created by the constitution or laws of the State, because considered necessary to the proper administration of the State government, I can afford to pass as harmless your naked and unsustained assertion that my certificate is untrue. You can draw no support from the fact that in a great crisis like the present the State officers for a time have rallied to the front in response to my call to aid in repelling the enemy. It is true their offices are temporarily closed and their official duties neglected till the enemy shall be repulsed, but that does not prove that their presence at home is not necessary or that their official duties are unimportant.

A judge of the superior court, who has reported for duty in the military field, has for a time suspended his official functions; but this does not prove that his office is unimportant or that he could be enrolled as a conscript and his duties suspended during the war without detriment to the public interest.

You say if I had called out the State officers at the time and in the mode suggested by you it would perhaps have been better for the country. By this I suppose I am to understand you to assert that it would have been better for the country if I had turned them over to your command. Judging from the fact that after all the militia of the State between seventeen and fifty, except the officers, had been turned over subject to enrollment by you, and you have had two months to bring them to the field, you have not succeeded in getting ready for service as many as I now have in camp, assembled in one week after my call, I am of opinion you will find few persons so prejudiced as to agree with you that the public interest would have been promoted by placing these men under your command, which I fear, if I may judge from the past, it will yet take you months to organize. The public safety calls for men in the field now, while the enemy is pressing us, and it is fortunate for the country that the State officers were not placed in a position to be kept back by you.

While I trust I have faithfully discharged my duties to our gallant soldiers and their families, in supplying their wants, I have never arrogated to myself the credit due the people of the State for affording the means. If I am entitled to credit for the judicious and faithful management of those means my ambition is satisfied.

After I have convicted you of willful misrepresentation of the facts relative to the number of troops furnished by me in response to the last call of the President, and have shown from the record that the requisition was filled in letter and spirit, with over double the number called for, most of whose muster-rolls covered a larger part of the territory of the State than the act of Congress or the call of the President required, which facts you knew when you penned your denial, you still persist in reiterating the assertion, and attempt to escape exposure by charging that I have lost my temper in replying to your statement. While it may be a little trying to the patience of a right-minded man to see truth so utterly disregarded by one occupying so high a position, I am willing to leave it to the judgment of the unbiased who has most exhibited the loss of temper, I, in exposing your willful misrepresentations, or you, while laboring under the exposure.

When you were assigned by the President to the command of the troops called out last fall for local defense, and I assured you of my willingness to render all the aid and assistance in my power, and in the case of active services in the face of the enemy to act temporarily with you, it was not possible for you to have understood me to express

a willingness to act as your aide-de-camp while you were lying in a state of inactivity in a safe place in the rear. I supposed in the case of an exigency, such as we passed through when our army was driven back from Missionary Ridge to Ringgold, that you might leave your safe retreat and go to the front. But if I had no higher ambition to serve the country and no more important duties to perform I could not, of course, expect to be favored with a position upon your staff so long as your retreat is safe and comfortable, as you probably have no place to spare after you have provided for your numerous relatives, whose prior claims upon you entitle them to preference in sharing the honor with you.

As in your reference to the words "personal knowledge" you say you had no reason to believe that I had been dishonorable or unjust in my speculations, I need only remark that had I understood you then as I now do I should have made no allusion to certain complications in your own past financial history. I did it upon the principle that "those who live in glass houses should not throw stones."

As I made no allusion in my letter, however, which had not truth for its foundation, and as a statement of truth can never be a "malicious slander," I can see no just reason why it should have thrown you into so towering a passion; nor can I attempt to imitate the elevation of thought, the elegant style, or the refined taste of the closing paragraph of your reply.

Respectfully,

JOSEPH E. BROWN.

[Indorsement.]

JUNE 6, 1864.

This communication and the author are alike unworthy of further notice.

HOWELL COBB,
Major-General.

WAR DEPARTMENT,
Richmond, Va., May 31, 1864.

His Excellency JEFFERSON DAVIS,
President:

DEAR SIR: I am happy to inform you that after some little struggle the bill to authorize the conferring temporary rank passed both Houses last evening, and the motion to reconsider failed. It may be regarded, therefore, as settled, and I venture to suggest that the nominations required be at once prepared and made. Will you send me the names required by General Lee for the respective positions? General Lee sent me again last night an urgent message as to the imperative necessity for these appointments.

Very truly, yours,

J. A. SEDDON,
Secretary.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., May 31, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: It is with great reluctance I address you at this important and critical juncture upon the subject of this letter, but believing that the

interests of the public service demand it, I do so. I have been directed by a telegram from Judge Campbell, Assistant Secretary of War, to restore to its former status the battalion of Major Howard, at Columbus, Ga., and I have replied to him that to do so "would destroy all my power of usefulness in this command, and therefore I ask to be relieved." Let me ask your attention to the inclosed papers, which were forwarded to me from your office for my action. I will simply indicate the points to which I desire particularly to direct your attention:

First. The two letters of Colonel Robertson, commandant of the post, showing the inefficiency of the battalion and recommending that it should be disbanded, with the approving indorsements of Generals Beauregard and Gilmer.

Second. The indorsement, by your order, referring the whole matter to me, with the announcement that upon my recommendation the battalion would be disbanded.

Third. My order directing my aide, Col. M. J. Crawford (who was kindly acting as volunteer aide), to examine fully into the condition of the battalion, and his report stating its condition, as well as the extract from his unofficial letter showing the conduct of Major Howard on the occasion and the hopelessness of filling the ranks of the battalion.

I desire simply to add that I preferred to retain the battalion organization and fill it up, and only determined on a different course when I became satisfied that there was no hope of recruiting its ranks, and that the only way to get the small remaining material of the battalion into useful service was to disband it and let new companies be organized. This I did, and from Colonel Crawford's letter you will see that so little was left that only one company was formed and another started. With these facts I telegraphed to you for authority to disband this and other local organizations, and you replied, giving me the authority, and I have acted upon it. The company formed has reported here and is on duty, and I had hoped to have organized another regiment of reserves this week, with the assistance of the two companies from this battalion. I submit to you that if my action is overruled by the Department without even an opportunity of vindicating my conduct, I necessarily lose the respect of the men under me. It is well known that this matter was submitted to my discretion and that I acted after thorough and mature examination. I would submit to the humiliation if I thereby promoted the public service, for I am determined to allow no mere personal feeling to interfere with an honest effort to discharge my duty; but in this case the public interest would suffer by my remaining in command of men who looked upon my action and decisions with no respect, feeling that they had only to ask for a reversal and it would be granted. I am sure you will agree with me that I ought to be relieved if this order to restore Major Howard's battalion is to be carried out, and if such continues to be the judgment of the Department I trust that my request may be granted. The telegraphic communication between Judge Campbell and myself being on file in your office, I do not inclose copies.

I am, with sentiments of sincere regard, very truly, yours, &c.,

HOWELL COBB,

Major-General, Commanding, &c.

[Inclosure No. 1.]

HEADQUARTERS POST,
Columbus, Ga., February 15, 1864.

Maj. J. H. ALEXANDER,
Assistant Adjutant-General, Savannah, Ga.:

MAJOR: Some time since I forwarded documents with reference to the status of Howard's battalion of non-conscripts. A few days since I received a copy of the order allowing the organization of this battalion, and find that a condition annexed is that as members of the battalion arrive at the age of eighteen years they shall be turned over to the enrolling officer for conscription. I have ordered this condition enforced, and would now respectfully call attention to the following facts with reference to this organization: The battalion now numbers five companies, composed of boys from fourteen to seventeen years old, officered by young men in many instances under eighteen years, and who are, in my opinion, too young and inexperienced for the positions they occupy. The supreme court of Georgia has decided that any member of this organization under eighteen years old, although enlisted with the written consent of parent or guardian, can at any time be discharged on a writ of habeas corpus. Many have been discharged. This decision renders discipline out of the question, for should a court-martial inflict a punishment considered by parents or friends at all severe, the party could be discharged before the sentence is enforced. After all members of eighteen years are enrolled the companies will not in a single instance reach the minimum number required, and cannot be recruited, as the majority enlisted under the impression that they would be permanently retained here. For the reason given I find the battalion inefficient and regard it as a useless expense on the Government, and respectfully recommend that it be discharged from service, and that other means be adopted by which the post can be supplied with troops reliable for provost and guard duty. The amount of Government property in Columbus, valued at $5,000,000, certainly warrants a guard for its protection. I would respectfully suggest that companies which have been decimated by the casualties of war, and which now number, many of them, only ten and fifteen muskets, be temporarily assigned to this duty, which would give them an opportunity to collect the absentees and increase their effectiveness, and that when their effective total reaches twenty they be replaced by some other decimated company, or that State troops be called for to perform local duty.

I am, major, very respectfully, your obedient servant,

J. W. ROBERTSON,
Colonel, Commanding Post.

[Indorsement.]

HEADQUARTERS,
Savannah, February 18, 1864.

Respectfully forwarded to department headquarters.

I concur in the recommendation of Colonel Robertson that Major Howard's battalion be disbanded as soon as troops for State service can be organized for the protection of the Government property at Columbus under the recent act of Congress, as reported troops for the purpose recommended will soon be available in large numbers.

J. F. GILMER,
Major-General, Second in Command.

[Inclosure No. 2.]

HEADQUARTERS POST,
Columbus, Ga., March 26, 1864.

Brig. Gen. THOMAS JORDAN,
Chief of Staff, Charleston, S. C.:

GENERAL: I inclose with this a commission* received at these headquarters through Maj. Gen. Howell Cobb, commanding Georgia State Guard, and respectfully ask your attention to the following remarks:

Major Howard is commanding an organization doing provost guard duty and guarding public property at this post, and known as Howard's battalion of non-conscripts. Major Howard claims that this organization is recognized at the War Department as the Twenty-seventh Georgia Battalion. I have no official information to that effect. The authority granted by Secretary of War to Major Howard to raise the battalion specified that it was for special duty in and around Columbus, Ga., and required Major Howard to turn over to the enrolling officer all members of the battalion as they became liable to conscription by virtue of age or otherwise. The battalion is composed of five companies made up of boys from fourteen to eighteen years old, and now numbers only 161 non-commissioned officers and privates, with a full quota of commissioned officers, thus rendering this battalion of boys as expensive to the Government as any other battalion of five full companies in regular service. The commissioned officers are nearly all over eighteen years of age, and claim that they are not liable to conscription by virtue of their commissions. The fact that the inclosed commission was sent through Maj. Gen. Howell Cobb indicates that the battalion is a portion of the Georgia State Guard. If so, should it be on duty at this post? By virtue of section 8 of an act entitled "An act to organize forces to serve during the war," should not this battalion be discharged from service?

In view of the facts stated I respectfully recommend that the battalion be discharged from duty at this post, and that troops for provost and other guard duty be supplied in accordance with General Orders, No. 36, Department of South Carolina, Georgia, and Florida, dated March 14, 1861.

I am, general, very respectfully, your obedient servant,
J. W. ROBERTSON,
Colonel, Commanding.

[First indorsement.]

HDQRS. DEPT. OF SOUTH CAROLINA, GEORGIA, &C.,
Charleston, March 30, 1864.

Respectfully forwarded.

The views of Colonel Robertson appear to be sound, and I approve of them.

G. T. BEAUREGARD,
General, Commanding.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
April 20, 1864.

Respectfully referred to Major-General Cobb, commanding Georgia Reserves. If this battalion can be made effective by recruits from

*Not inclosed.

the reserve men it should be continued. The commission of Major Howard, improperly returned by General Beauregard, is inclosed, and will be delivered to Major Howard if General Cobb concludes the battalion can continue to be effective. The taking of men from active service to command local troops cannot be thought of. They may of course elect men permanently disabled, especially those placed in the Invalid Corps, and should be encouraged so to do, but able-bodied men between eighteen and forty-five cannot be spared.

By command of Secretary of War:

SAML. W. MELTON,
Major and Assistant Adjutant-General.

[Inclosure No. 3.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
April 16, 1864.

The several papers inclosed are respectfully referred to General Howell Cobb for his consideration and action.

The battalion was raised by authority of the Secretary of War by T. B. Howard upon condition that the youths upon coming at eighteen years of age would be assigned to companies in the general service under the conscript act. This condition must be carried out. If the battalion thereby fails, very good; let it be disbanded. There should be a competent guard at Columbus of the reserve material. If it be practicable to retain this organization and fill it up to the requisite number, let it be done. If not, the Department will disband it upon General Cobb's recommendation. The material in it will be organized as other reserve material. The rolls are on file.

By command of Secretary of War:

SAML. W. MELTON,
Major and Assistant Adjutant-General.

[Inclosure No. 4.]

COLUMBUS, GA., *May 10, 1864.*

Maj. LAMAR COBB,
Assistant Adjutant and Inspector General:

MAJOR: In obedience to Special Orders, No. 13, I proceeded to this place, and have inquired into the election of the officers of Howard's battalion, and find that all the companies have been organized and the officers elected since the 15th of October, 1863, at which time orders were issued prohibiting the election of any officer unless permanently disabled from field service. My information is that none of these officers come within the orders. The strength of the battalion is eighty-three. The remainder have been discharged by the courts or gone to other commands, and most generally without leave. Of those present but seven are understood to be over forty-five years of age, and those under eighteen are leaving almost daily for the Army; thus the battalion is reduced to its present numbers and cannot be easily recruited. The guard furnished by the battalion has not been satisfactory to the officers in charge of public works and property.

In reference to the protection and defense of the public property, there is abundant material here for any ordinary occasion. There is one battalion regularly and legally organized numbering 245 men, composed of factory and railroad hands. There are at the naval iron-works 138 men; at the arsenal and workshops under its control 175 men; in the quartermaster's office 200 men; and at the Government transportation works 37 men, making an aggregate of 795 men. All

these men are not enrolled, many of them having been detailed by the War Office when first liable under the conscript law without being members of any company. They should all be enrolled at once and lists made out of those in each of the public establishments, and no furloughs granted unless signed by the officer in charge of the work and approved by the commandant of the post. Out of these men two companies might be formed at the naval iron-works, three at the arsenal, and three in quartermaster's department, electing their officers from among their own number, and drilled at such times as would be least inconvenient to the officers in charge of them. The public property is now guarded by watchmen composed of disabled and maimed soldiers, who upon neglect of duty are at once discharged. They afford ample protection against any damage liable to occur from ordinary sources. It is perhaps proper to state further that this whole force (the detailed men) could be used only for local defense, as they are employed as mechanics and laborers in the city.

I am, major, very respectfully, your obedient servant,

M. J. CRAWFORD,
Aide-de-Camp.

[Inclosure No. 5.]

COLUMBUS, GA., *May 25, 1864.*

[General HOWELL COBB:]

DEAR GENERAL: I have succeeded in making one company only out of Howard's battalion. It was difficult to do that, as they have used no means to keep them here since it has been known they would be disbanded. I do not know that it is so, but I believe it. The company will leave for Macon to-morrow (Thursday) night. Captain Davis, of the enrolling office, will aid me in getting up such as have gone home and who reside in this district, and send them up as rapidly as possible. There were not more than about eighty-one men who were doing duty here, and never more than 115 or 120 at any time. Very many were from Alabama, and have gone over there out of reach, but their names shall be forwarded to the enrolling officer of their district. They have men on all their rolls who are not and have not been here for five or six months. Howard refused at first to disband his men, and I had some trouble about it, because he had orders from the War Department as late as the 9th instant, and besides he claimed to be in nowise under your authority, &c., but he acted at last upon my making out and showing him my report to you of his refusal. He wanted also the order to come through the commandant of post. It is all arranged, however.

* * * * * * *

Very truly, yours,

M. J. CRAWFORD.

[Inclosure No. 6.]

HEADQUARTERS,
Macon, May 10, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

There are several local organizations which the good of the service require should be disbanded at once and material formed into reserve. Colonel Browne has so recommended to Colonel Preston. Will you telegraph me authority to disband all such?

HOWELL COBB,
Major-General.

[Inclosure No. 7.]

RICHMOND, *May 18, 1864.*

Maj. Gen. HOWELL COBB:

The companies referred to in your telegram may at your discretion be disbanded. All conscript material had been ordered to be withdrawn.

JAMES A. SEDDON,
Secretary of War.

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, May 31, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: Some weeks since I wrote to you in reference to several volunteer organizations forming in the State of men and boys between the ages of forty-five and fifty and below eighteen years old. Some of these companies were formed before the act of Congress of February 17 was passed, some after that time, but before the notice issued by the President and required by law was published. These companies, most of them, were made up and tendered to the Governor for the war for State defense. Their rolls were filed in this office, and copies of such rolls were furnished the enrolling officers of the counties in which the companies were located. The enrolling officers are harassing these men and requiring them to be enrolled and sent to camp. This action of the enrolling officers is not warranted by the law of Congress. These organizations are in strict accordance with the spirit of the law of Congress, if not with its letter. The manner in which the enrolling officers are doing their work in this State is creating much injury—actual injury—to the planting interest of the State, and actual injury by estranging the best people from the proper regard to our cause. They can see no use in taking men over forty-five years old and boys under eighteen from their farms at this season of the year and placing them in camps to do nothing, and let their crops be destroyed. And I must be permitted to say that I think it the most egregious folly, to call it by no harsher name. These volunteer companies of which I speak have been organized in their respective counties and they are ready to respond whenever a call for the reserves is made. In the meantime, except when called out to drill, which is once a week, they are permitted to remain at home making something to eat for their families and for our soldiers. I have resisted, by remonstrance, the action of the enrolling officers, and I may feel myself justified in going farther unless some stop is put to the matter by you. I have no complaint to make of Col. H. C. Lockhart, the commandant for the State; he is a gentleman for whom I entertain a very high respect. He has common sense, a very rare sort of sense, paradoxical though it may seem, but he says he is restricted by his orders. I learn now that it is not allowed to mix in the same company boys under eighteen and old men over forty-five years of age. Surely such orders could not have issued from the War Department; they would violate the act of Congress. What is the object of such orders I cannot discover, unless it is to prevent any State organizations. It must not be forgotten that the States have some rights left, and that the right to troops in time of war is guaranteed by the Constitution. These rights, on the part of Alabama, I am determined shall be

respected. I cannot permit the troops organized for State defense and ready to obey my calls to be all taken out of the control of the State. The laws of Alabama must be executed and I must have some troops at my command to execute them; such troops, while I am Governor, will always be ready to obey any call made by the President.

I wish to call your prompt attention to the contents of this letter and ask for a prompt reply.

I have the honor to remain, your obedient servant,

T. H. WATTS,
Governor of Alabama.

[Indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, June 18, 1864.

Respectfully returned to the Secretary of War.

The commandant of conscripts for Alabama has been instructed to organize the reserves and turn over the muster-rolls to Major-General Withers. That organization is to be made in exact accordance with General Orders, No. 45, Adjutant and Inspector General's Office, current series. These claims by local authorities for troops, stated to be organized by them, are having the effect of entirely defeating the law in relation to the reserve forces.

If the Governors persist in raising and holding armies composed largely of classes brought into the service of the Confederacy by the act of 17th February, 1864, then the anticipated effect of that act is neutralized. If these organizations are turned over to the Confederate Government there can probably no harm result from retaining them after abstracting from them the material due to the general service, and this course is recommended.

The promise to hold them by State authority, ready to answer the call of the President, does not fulfill the purposes of the law, which places them in Confederate service. The jurisdiction of the conscription ceases on the completion of company organizations, and the holding the men in camp or restoring them to their avocations is a matter for the action of the general commanding. I have the honor herewith to submit a correspondence of the commandant of conscripts for Georgia with the Governor of that State relative to like matters.*

The tendency of the action of the State authorities is to absorb the whole class of reserves.

JOHN S. PRESTON,
Brigadier-General and Superintendent.

[MAY 31, 1864.—For Davis to Anderson and Davis to Milton, in regard to the organization and employment of Florida reserves, see Series I, Vol. LIII, p. 339.]

[JUNE 1, 1864.—For Maxey's requisition on the Six Confederate Nations (Indian) for troops to complete three brigades, see Series I, Vol. XXXIV, Part IV, p. 639.]

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*See Mather to Davis, March 31 (with indorsements and inclosure), p. 259; Browne to Brown, May 10, p. 416, and Brown to Browne, May 21, p. 440.

TREASURY DEPT., CONFEDERATE STATES OF AMERICA,
Richmond, June 2, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I would respectfully ask your special attention to the fact that on yesterday, the 31st of May, the issue of new currency from the Treasury amounted to $57,483,903. In the report made to Congress at the opening of the present session by the Secretary of the Treasury it was shown that under existing laws the issues of new currency authorized would probably reach $200,000,000, and it was recommended that this amount should be reduced one-half. An increase of taxes and the issue of certificates of indebtedness were recommended as means to make good the deficiency in supply to the Treasury. You are doubtless aware that the Senate has passed a bill adopting the first suggestion. Should this bill pass the House, then the new issues of currency at the command of the Treasurer would be reduced to $100,000,000. As already stated, $57,000,000 of this sum have already been issued, leaving only $43,000,000 in currency for the payment of all further requisitions. In view of this state of things the Department has for some time past advertised for sale part of the 6 per cent. untaxable bonds; but the disturbance at the Capital produced by the approach of the enemy has prevented the proposed sale, and may delay the same for several weeks longer. Under these circumstances I would respectfully urge upon you the absolute necessity of withholding your requisitions for money, and instead thereof making use of certificates of indebtedness. There are certain payments which must of necessity be made in money, such as pay of the Army and Navy, wages, salaries, and interest on the public debt. It would be well, therefore, to reserve for these purposes the remaining amount to be issued, and insist upon paying all other demands in certificates, at least until bonds can be sold. Unless some such course shall be promptly adopted the Treasury will soon be without the means to respond to any requisition.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

[JUNE 2, 1864.—For Bonham to Seddon, urging the Confederate Government not to call the South Carolina reserves into the field, &c., see Series I, Vol. XXXV, Part II, p. 519.]

AN ACT to amend an act entitled "An act to provide for holding elections of Representatives in the Congress of the Confederate States in the State of Tennessee," approved May first, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That the act entitled "An act to provide for holding elections for Representatives in the Congress of the Confederate States in the State of Tennessee," approved May first, eighteen hundred and sixty-three, be amended so that the person voted for as Representative of any specified district, receiving the highest number of votes of the whole vote of the State, shall be commissioned as Representative of the district for which he is voted for.

SEC. 2. That in all elections held under said act, polls shall be opened in the camps of the Army, as well out of as in the State, and the election shall be conducted otherwise as provided in said act as amended by this act.

SEC. 3. That in such elections all persons entitled to vote under said act out of the county of their residence shall be allowed to vote at any of the places of voting out of the State.

Approved June 3, 1864.

MONTGOMERY, *June 3, 1864.*

Hon. J. A. SEDDON:

I have written you twice in reference to volunteer companies organized under my authority. I have no reply from you. Unless you order the commandant of conscripts to stop interfering with such companies there will be a conflict between the Confederate general and State authorities.

T. H. WATTS,
Governor of Alabama.

JOINT RESOLUTION responsive to the resolutions of the General Assembly of Virginia, asserting the jurisdiction and sovereignty of the State of Virginia over her ancient boundaries.

Whereas, resolutions of the General Assembly of Virginia, adopted October eighth, eighteen hundred and sixty-three, have been communicated to Congress by the Governor of that State, at the request of the General Assembly, wherein that body, referring to former proceedings and to the attempt of the enemy to form a new State out of the State of Virginia, declares that "it is the firm determination of the State, and known to be that of the Confederate Government, to assert and maintain the jurisdiction and sovereignty of the State of Virginia to the uttermost limits of her ancient boundaries, at any and every cost:"

The Congress of the Confederate States of America do resolve, That in no event will this Government consent to a division or dismemberment of the State of Virginia, but will assert and maintain her jurisdiction and sovereignty to the uttermost limits of her ancient boundaries, at any and every cost.

Approved June 4, 1864.

CIRCULAR.] ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, June 4, 1864.

The following general instructions are published for the guidance of inspectors in the performance of their duties:

INSPECTION OF ARMIES.

First, report to the commander of the army to be inspected, and request his co-operation in so far as it may be necessary to secure facilities for making an inspection. Obtain from him such information respecting the condition of his army as he may deem proper to communicate, and request any suggestions which may lead to the more intelligent performance of the duty, or call attention to points

requiring especial examination and report. Examine the office records of the army headquarters in order to secure a proper understanding of the system of government prevailing in each army, and the extent to which it is observed. The inspection of the troops of the different organizations composing the army will be made in the manner herein prescribed for inspectors serving with armies, looking especially to their armament, discipline, drill, and sanitary condition; the relative efficiency of the different organizations, and the merits of their officers; and where the differences are marked, the causes thereof, as such information, if unprejudiced, may lead to the promotion of the meritorious. As to intelligent and efficient staff officers properly carrying out the orders and intentions of commanders the success of an army is in a large measure due, their acquaintance with and faithful performance of the duties pertaining to their respective departments will be critically observed, and where found to be inefficient or negligent they will be so reported. All officers with the commands inspected who are in excess of the number authorized by law and orders will be reported, with the nature of their duties and the circumstance of their assignment.

The supplies pertaining to the different departments being difficult to procure, especial attention will be given to the due observance of property responsibility by the officers of each, respectively, seeing that all property is properly preserved or distributed strictly in accordance with allowances authorized by orders. Learn the sources from whence supplies are drawn, their amount and availability for the present and the future, their nature, and the system under which they are collected. Call attention to any obstacles in the way of their procurement, and suggest any improvements calculated to secure their more prompt, abundant, and economical delivery.

As impressment is sometimes necessary to secure supplies and injustice is occasionally inflicted through the indiscretion or viciousness of agents, impress upon officers resorting to it the importance of softening its rigors by explanations of the law, and the courteous assertion of duty under it, leaving in all instances the certificates required by General Orders, Nos. 30 and 39, Adjutant and Inspector General's Office, current series. In passing through neighborhoods where impressments have been made inspectors should listen to all complaints; advise those really aggrieved how, under orders, to redress their wrongs, and note the names of the impressing officers, the amounts impressed, and dates of impressments, with the view to after comparison, in examining the officers' accounts, of the facts so reported with those exhibited by their vouchers.

DUTIES OF INSPECTORS SERVING WITH ARMIES.

Inspect troops in the manner prescribed by Article XXX and for the purposes indicated in paragraphs 459 and 460 of the Army Regulations published by authority of the War Department in 1862.

The number, appearance, and bearing of officers and men present at inspection and of their arms and accouterments should be ascertained, and also that all arms or parts of arms and accouterments lost have been properly accounted for, in accordance with General Orders, No. 148, of 1863, and No. 6, current series, from the Adjutant and Inspector General's Office.

The inspections under arms completed, examine the police of camps, quarters, hospitals, and guard-houses; the number of prisoners in the latter, and the nature of the charges against each; the messing arrange-

ments, and the character and quantity of the ration issued. If troops inspected are artillery or cavalry, see that guns and caissons are properly parked, ammunition chests filled and properly packed, and the ammunition dry and serviceable; that harness and horse equipments are properly cleansed, greased, and placed on racks raised from the ground; the number, character, and condition of the guns, caissons, and horses, and that the latter are properly groomed and fed and never used except on public service; the number of stables and their location, which should be upon dry, sloping ground and well protected from the northern winds. The same examination should be extended to all army transportation as regards stabling and the care bestowed upon animals, harness, and vehicles.

The company, regimental, and brigade records should be next examined with reference to the strength, present and absent, reporting by name all officers and numerically all enlisted men improperly absent from inspection or their commands, and ascertaining if lists required to be furnished by General Orders, Nos. 125 and 130, of 1863, from the Adjutant and Inspector General's Office, are regularly forwarded.

Observe the correspondence in number of the rations drawn with that of the men entitled to draw actually present with the command; this correspondence to be verified by examination of the brigade reports and the abstract of issues made by the brigade commissary.

See that regimental returns and reports of ordnance are regularly made. Knowing, from inspection, the number of arms in the hands of the men inspected, they, with those in charge of the ordnance sergeant, and others accounted for by certificates of boards of survey, should cover the responsibility of regimental commanders.

Learn whether the orders issued from the War Department and the different headquarters of the army are duly promulgated, understood, and observed throughout the commands inspected.

Examine the medical department with reference to provision made for the sick, their hospitals, medical supplies, the sanitary condition of their commands, the efficiency and capability of the medical officers, and that all required returns and reports are promptly rendered. The property and money accounts of quartermasters and commissaries should next be examined, seeing that they are correct and promptly rendered; that all public property is properly appropriated; that forage received and issued is only given to animals legitimately within command, and subsistence only to troops actually present, and that sales to officers are limited to regulation allowance—reporting all irregularities and inefficiency or neglect of duty on the part of officers and all employés, vehicles, and animals in excess over those authorized in orders.

The ordnance department will be similarly examined. The employés in all these departments should be men unfit for active duty in the ranks, as far as the nature of the duties to be performed will permit. The number of detailed men employed should be reduced to the lowest limit, and all supernumeraries and able-bodied men be remanded to the ranks.

Inspectors will attend drills occasionally, or at stated times, and call upon officers to put their commands through any movements within its school. Lieutenants should understand company, captains and field officers regimental, and colonels brigade drills, as the casualties of service frequently impose upon officers commands above the grades which they hold.

Inspectors will frequently ride through and about the neighborhood of their camps, observe the conditions of inclosures, private property,

crops, &c.; repress all irregularities or depredations, and, where committed, cause prompt indemnity to the injured and punishment of offenders. As troops habitually encamp by brigades, and establish guards for the protection of all neighboring property, and the preservation of order and discipline within their own camps, such irregularities amongst well-organized and disciplined troops rarely occur.

Before leaving vacated camps inspectors will ride over the ground encamped upon by the troops and cause all property left by them to be collected and placed in the wagons. The regimental quartermaster and ordnance sergeant should be required to do this in each regiment. Do the same with all arms, accouterments, or other property left by stragglers on the line of march, and if left by those of his own command, bring offenders to trial; or, if not, turn property so collected over to the department to which it pertains. Arms, &c., thus found will be placed in any wagon, irrespective of commands, most easily reached. Roll-calls and an examination of arms, which should be invariably made in every company at the commencement and at the end of each day's march, would measurably prevent both straggling and the loss of arms, and every inspector should secure within his command the publication of an order enjoining this duty, and look to its strict observance. He will pass frequently along the line of march, cause the ranks to be kept properly closed, and all stragglers, whether of his own or other commands, to rejoin their companies; or, if this is impracticable, to turn them over to the nearest provost guard, to be marched forward and returned at the end of the march. See that the second officer in rank, with one of the medical officers of each regiment or battalion, is in rear of his command, to preserve order, prevent straggling, and to give written authority to the sick and broken down to ride in the wagons or ambulances moving with the brigade.

Note the names of stragglers, and those of their regimental and company commanders, who will be held responsible for their neglect of duty in permitting such irregularity, and required to give their immediate attention to its correction. See that staff officers in charge of trains or public property are with their respective trusts, and hold them responsible for all irregularities committed by their employés.

Preparatory to battle inspectors will locate their provost guards at eligible points for arresting all stragglers; acquaint themselves with the localities of the ordnance, supply, and ambulance trains, and of the field hospitals, the character of the grounds in the vicinity of their commands, front and rear, and of all roads to and from the line of battle, and connecting with the main traveled roads in rear; the troops supporting both flanks; the position of reserves; the watchfulness observed by pickets and skirmishers thrown to the front, and report this, and all other information, derived from the examination of prisoners or other sources, which may prove important in aiding his commander in the intelligent performance of his duties.

In the intervals of the fight, where practicable, he will cause to be collected all arms, accouterments, or other movable property left by our own men or the enemy, to points in rear easily accessible for the wagons. They will keep an account of all captures made by their commands, whether of prisoners or property, sending in a tabular statement of the same after the battle, in order that each command may receive due credit for its services; and cause all property captured or collected to be turned over on public account to the officers of the department to which it pertains.

INSPECTION OF DISTRICTS.

These inspections involve more general duties than those of an army, in the examinations of the various public interests located at the numerous posts, depots, camps of instruction, or other institutions, growing out of the wants of the different departments of the Government. In making them inspectors will give their especial attention to the following points:

The strength, efficiency, and character of the troops occupying the different stations inspected, recollecting the requirements of General Orders, No. 26, Adjutant and Inspector General's Office, current series, while inspecting detailed men and provost guards, the latter usually composing the garrisons of all stations, other than posts of a strictly defensive character.

The strength and efficiency of the troops garrisoning fortifications; the extent and nature of the defensive works and their armament; the fitness and sufficiency of the ammunition for the guns, and the care bestowed upon its preservation; and that all other supplies necessary to the maintenance of a vigorous and effective defense are on hand.

The money and property accounts of all disbursing officers within the district inspected; and their prompt rendition at prescribed periods, to the chiefs of departments to which they belong.

That all public property, wherever found, is properly cared for, and in charge of responsible agents, and in no instance misapplied.

That adequate storage is provided for the protection of all stores collected at depots, and that the supplies received correspond with amounts invoiced; or if not, the measures adopted to correct the deficiency.

That rations, wherever issued, correspond strictly with the number of men present and entitled to them; and where this number varies between the regular periods of issue, that any surplus thereby accumulated is deducted from the next returns. That impressing officers, where supplies are obtained by impressment, conform strictly to regulations and orders governing this system.

The means adopted by tax officers to collect the tax in kind, the resources of the country within their respective districts, if faithfully and impartially assessed and collected; the amount of supplies collected and remaining uncollected; the facilities for their transportation from points of production to the depots, and thence to points of consumption; and the intelligence, integrity, and energy of officers and agents employed in this duty.

The authority under which detailed men are acting in the different departments in the employment of Government contractors, and that they are reduced to the lowest number which will accomplish the work to be performed. All supernumeraries to be reported, in order that they may be remanded to their commands.

The arrangements adopted at camps of instruction for the accommodation and instruction of conscripts, and for their examination, distribution to commands, and exemptions; and the number received, assigned to duty, or exempted within the year.

The records at conscript agencies; that they show thorough enrollments, collection and examination of all persons of conscript age within each district; that the examinations by the medical boards are strict and impartial, and where giving exemptions on account of phys-

ical disability, that they act strictly in compliance with regulations and the true interests of the service.

The energy with which conscript officers apprehend and return to their commands all deserters, and officers and men improperly absent; and their strictness in enforcing the orders relating to sick, furloughed, or retired officers and men within their districts.

That registers are kept at each agency of all men of conscript age; and of all exempted, detailed, furloughed, or retired officers and men within their districts, and the authority under which each is acting.

The management of hospitals, the number of invalids they receive, return restored to their commands, transfer to other hospitals, or who have died within them during the month preceding inspection. The number and efficiency of officers and men employed at each, the quality and quantity of supplies, and that no rations other than those issued to men in the field are allowed within the hospitals, except to the sick, for whose use alone all extra supplies are designed.

At depots in rear of the armies, adjuncts thereof, and at which all surplus supplies are accumulated, shops for repairs are established, and to which unserviceable animals are sent back to recruit; examine the different departments, and the efficacy of measures adopted by each to carry out these various objects.

To perform efficiently their duties inspectors will acquaint themselves with the regulations and orders governing all branches of the service, issued from the War Department, or the headquarters of the army with which they are serving. This knowledge is indispensable, as it is the duty of the inspector to see that all orders are understood and obeyed by the command with which he is serving, or which he is inspecting. Army Regulations, and Tactics of different arms of the service, and General Orders from Adjutant and Inspector General's Office up to the close of each year, can be purchased at the bookstores. Within the year the orders are so distributed throughout all the armies as to be accessible to all. The regulations of the different departments are usually to be found in the hands of their officers in each brigade.

Inspections are intended to secure greater efficiency throughout the service, in procuring the strict observance of orders, the correction of abuses, and in bringing to the notice of the authorities the merits and demerits of all military officers and organizations; and such other information as will acquaint them with the condition of the different commands, and enable them to act advisedly in making any changes necessary for the advancement of the public interests.

Inspectors, while critically inspecting each command with a view to full information respecting its condition, should be exceedingly cautious in forming their opinions, which should be based upon reliable facts and personal observation. They will look only to the public interest in making their reports. Patience, courtesy, and firmness should characterize their performance of duty in every position, with a strict avoidance of all action approaching a "detective" character. While their reports are to be strictly confidential, except in so far as the authorities to whom they are made may deem it expedient to disclose them, all inspections and the relations between the inspector and the inspected must be perfectly ingenuous, impartial, and soldierly.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 4, 1864.

Hon. C. G. MEMMINGER,
Secretary of the Treasury:

SIR: I have the honor to acknowledge your letter of the 2d instant. Without further legislation allowing the tender of certificates of indebtedness on impressment, it is vain to expect their use to any considerable extent, as they will not, in despite all explanations and efforts on the part of officers, be voluntarily received. Besides, considerable amounts in currency are absolutely necessary to pay employés of the Government, of the railroads, and of contractors. I trust every effort will be made at once to raise money by the sale on hypothecation of bonds or by the negotiation of a loan. Otherwise I fear the machinery of Government will stop.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 4, 1864.

Governor T. H. WATTS,
Montgomery, Ala.:

Your letter of April 27 addressed to the President was referred to me with the indorsement that "in this case as stated it would seem proper to receive the companies as organized either in the reserve or active force." In accordance with this instruction I directed the Adjutant-General to order the organization to be retained and considered part of the reserved forces. A letter was by him addressed to General Withers to that effect and a copy of it sent to you. I have received no letter from you addressed to me on this subject.

J. A. SEDDON,
Secretary of War.

[JUNE 4, 1864.—For Johnston to Brown, with reference to 3,000 Georgia State troops placed at disposal of former, see Series I, Vol. XXXVIII, Part IV, p. 758.]

RICHMOND, *June 6, 1864.*

THE SENATE OF THE CONFEDERATE STATES:

I regret that a sense of duty compels me to return to the Senate without my signature a joint resolution which originated in your honorable body entitled "Joint resolution in regard to the exemption of editors and employés of newspapers."

The terms of this resolution extend to editors of magazines and periodicals other than newspapers, together with their employés, the same exemption from military service as is now accorded in favor of newspapers

I see no reason for exempting these citizens from the duty of defending their country which would not apply to all authors, publishers, booksellers, printers, and other persons connected with the publication of books, pamphlets, religious tracts, and other reading-

matter. At a moment when our lives, our liberty, and our independence are threatened by the utmost power of our enemies, when every citizen capable of bearing arms ought to be found in the ranks, I cannot but deem it impolitic to add to the list of exemptions without the most urgent necessity. Seeing no such necessity, and believing the precedent set by this resolution, if passed, to be productive of evil effect, I am constrained to return it without my approval.

JEFFERSON DAVIS.

[Inclosure.]

JOINT RESOLUTION in regard to the exemption of editors and employés of newspapers.

Resolved by the Congress of the Confederate States of America, That so much of the tenth section of the act entitled "An act to organize forces to serve during the war," approved 17th of February, 1864, as exempts from military service one editor for each newspaper being published at the time of the passage of the act, and such employés as said editor may certify on oath to be indispensable to the publication thereof, shall be understood to include magazines and other periodicals published before and at the time of the passage of the said act.

TH. S. BOCOCK,
Speaker of the House of Representatives.
R. M. T. HUNTER,
President pro tempore of the Senate.

SPECIAL ORDERS, No. 131. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 6, 1864.*

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X. The chiefs of the military bureaus in Richmond will render monthly returns to this office on the last day of each month, setting forth the names and rank of the officers of their respective corps and their particular assignments and duties.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., June 6, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: Your telegram of the 5th instant and your letter of the 27th ultimo, inclosing General Bragg's letter of the 26th ultimo, just received, and I reply to both in this letter as the subject is the same. I fear that the Department will feel a disappointment when the strength of the Georgia Reserve is made known to it, though I have endeavored to prepare you for it in my previous communications. Governor Brown by his false certificate "that all the military and civil officers of Georgia are necessary for the proper administration of the State government," as well as by his mustering into State service men afterward detailed as operatives in factories, &c., has

made such inroads upon the material out of which the reserve force was to be organized, that its strength will fall far below what was anticipated at the time the law was passed for its organization. Some idea may be formed of the effect of Governor Brown's exemption certificate when I inform you that he claims now to have over 5,000 men in his militia force at Atlanta, most of whom would belong to the Reserves if they had not been withheld by the certificate to which I have referred. The fact that they are now brought into the service is satisfactory evidence that they are not necessary for the administration of the State government, as claimed by Governor Brown. Another difficulty I have had to encounter is the number of men exempted by the local boards for agricultural and other necessary purposes. I have no reason to believe that improper exemptions have been made, still it has greatly diminished the material left after Governor Brown's sweeping exemption.

I have organized four regiments who are now at Andersonville. The fifth will be organized here this week, and is required here to guard the prison camp and the public works at this place. A battalion of six companies (Girardey's from Augusta) is here, except two companies temporarily doing duty at Augusta, and I am making arrangements to increase it to a regiment, which I hope to accomplish in a few weeks.

There are at Savannah six organized companies, and arrangements in progress for four other companies to complete the regiment. At Augusta the organization of Reserves has been somewhat delayed by the existence of local companies, which I am now converting into regular reserves, and from the best information I can obtain I should say that a battalion, perhaps a regiment, may be formed there. At Atlanta and other points reserves are still reporting, and other companies and regiments will be organized as rapidly as possible. My present calculation is that there will be at least eight full regiments of reserves for the State. In addition to these I have taken steps for the more perfect organization into companies and battalions, for strictly local defense, of all men who are detailed or otherwise employed in the public workshops and factories, &c., at Savannah, Augusta, Atlanta, Columbus, Macon, and Athens. These organizations I propose to keep separate and distinct from the State Reserves, but I shall have at each of the points a pretty effective force for strictly local defense. As soon as the muster-rolls are sent to me I will have them forwarded, that you may be informed of the extent of the organizations.

I have not forwarded to you the muster-rolls of the regiments which have been formed, because they have not yet been properly prepared. I have had to deal with men who were wholly uninformed, and it has been difficult to get them to comply with the regulations. A more serious difficulty has occurred from the fact that the pressure upon me for troops to relieve the old regiments at Andersonville made it necessary for me to organize with less than the minimum number into some of the companies. These I have been filling up preparatory to sending forward the muster-rolls.

I have endeavored to state as clearly as possible the facts connected with the reserve force, that you may have a tolerably correct idea of its strength, and will place before you as soon as possible a more full report, accompanied by the muster-rolls.

The letter of General Bragg seems to indicate the points at which the different regiments are to be stationed. If this is to be regarded

as a direction you will observe it changes the whole disposition of the force, except that it leaves three regiments at Andersonville, whereas there are now four, and that number is not considered too many. He also requires five regiments at Atlanta. These are not required there now, as Governor Brown's whole force of 5,000 men is at that place; besides, I have not as many regiments as he assigns to different places. I await your instructions in these matters.

Allow me to say that since Colonel Browne has taken charge of the conscript office here he has extended to me not only cordial but efficient aid, and by the system which he has adopted I have no doubt our united efforts will bring into the service all who are liable to this duty, and that in a very short time.

I should have stated in the proper place that the companies below the minimum number were in Gartrell's regiments and did not pass through the conscript office, but were put on duty by me in the emergency mentioned.

I am, general, very respectfully, yours,

HOWELL COBB,
Major-General, &c.

RICHMOND, *June 7, 1864.*

THE SENATE OF THE CONFEDERATE STATES OF AMERICA:

A bill which originated in the Senate entitled "An act to authorize the appointment of additional officers of artillery for ordnance duties" has been presented for my signature, but it contains a provision founded on an error of fact which compels me to return it without approval, that the error may be corrected.

The bill contains the following proviso: "*Provided*, That acting ordnance officers having been found duly qualified for appointment according to the regulations of the War Department, and being already on duty in the field under the orders of the Secretary of War, shall have preference of appointment under this act." There are no acting ordnance officers on duty in the field, and I learn on inquiry that the persons so designated are in reality merely employés of the Ordnance Bureau for the performance of ordnance duties in the field in the absence of legislation authorizing the appointment of officers. This proviso, therefore, has the effect, under an error of fact apparent in its terms, of restricting the Executive in the choice of persons to fill the offices created by the bill to a list of employés selected by a chief of bureau, which is plainly not in accordance with the expressed intention of Congress, nor with the terms of the Constitution.

JEFFERSON DAVIS.

[Inclosure.]

AN ACT to authorize the appointment of additional officers of artillery for ordnance duties.

The Congress of the Confederate States of America do enact, That the President, by and with the advice and consent of the Senate, may appoint fifty officers of artillery in the Provisional Army for the performance of ordnance duties in addition to those authorized by the act entitled "An act to authorize the appointment of officers of artillery in the Provisional Army," approved April 21, 1862, and "An act to authorize the appointment of additional officers of artillery for ordnance duties," approved September 16, 1862, and that the rank of

said officers shall be as provided in said last-named act: *Provided*, That acting ordnance officers having been found duly qualified for appointment according to the regulations of the War Department, and being already on duty in the field under the orders of the Secretary of War, shall have preference of appointment under this act.

TH. S. BOCOCK,
Speaker of the House of Representatives.
R. M. T. HUNTER,
President pro tempore of the Senate.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., June 7, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: On the 28th of April last I indorsed to you a copy of a letter I had addressed to Governor Brown on the subject of his sweeping exemption of State officers, both civil and military. I now forward to you copies of his reply and the subsequent correspondence.*

There is but one fact in this correspondence worthy of your consideration. You will observe that Governor Brown regards the act of Congress on the subject of exempting State officers "necessary for the proper administration of the State government" as a nullity; and his certificate given in response to the requirements of that act was a mere pretense, which he does not and will not deny was wholly untrue.

His excuse for this false certificate you will find to be a resolution of the Legislature of Georgia, which, it seems, he thinks justifies him in making a certificate which was manifestly untrue.

I am, general, very respectfully, yours, &c.,

HOWELL COBB,
Major-General, Commanding, &c.

EXECUTIVE DEPARTMENT,
Montgomery, Ala., June 7, 1864.

Hon. J. A. SEDDON,
Secretary of War:

The enrolling officer, Colonel Browne, of Macon, Ga., has enrolled several of the hands of the Shakanoosa Arms Manufacturing Company, at Dawson, Ga., and threatens to take many more, thus in effect destroying an establishment with which Alabama has a contract for a supply of arms. This establishment is of common and great utility to the Confederate States and the States of Georgia and Alabama. Arms are a necessity, and Alabama has a very inadequate supply. I request, therefore, that no further conscription from that factory be made, or that of those making [arms?] such may be returned or detailed as may under oath by the superintendent be deemed necessary to the successful working of the establishment.

T. H. WATTS,
Governor.

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*See Brown to Cobb, May 5, p. 381; Cobb to Brown, May 12, p. 417; Brown to Cobb, May 20, p. 431; Cobb to Brown, May 23, p. 442; Brown to Cobb, May 30, p. 455.

RICHMOND, VA., *June 7, 1864.*

Hon. CLIFFORD ANDERSON,
Member of Congress from Georgia:

MY DEAR SIR: I have just received the report in the case of Maj. C. J. Harris, for which I have informed you I had called on the War Department. It is as follows:

Charles J. Harris was appointed by the Secretary of War a major for conscript duty in Georgia, but as he was not appointed to the actual command of a camp of instruction the President declined to nominate, and accordingly at the end of the session (February 17 last) he was notified that he was dropped because not confirmed. He has been notified of the cause and facts of the case.

ED. A. PALFREY,
Colonel and Assistant Adjutant-General.

By reference to the law you will perceive that the appointment was unauthorized, and therefore, when the case came before me, I decided against it and declined to nominate. There is, and has long been, a necessity for other officers than those allowed by the law. The commandant of a camp cannot perform all the duties required by the act for a general enrollment, but in the absence of legislation for other officers the course pursued in this case was the only one which I could adopt.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 8, 1864.

The Commissary-General is authorized to purchase the paper currency of the United States for the use of his office as occasion may require.

By order of Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 8, 1864.

Governor T. H. WATTS,
Montgomery, Ala.:

Your telegram submitted to General Cobb, who has charge of the subject, and to whose discretion it has been committed.

J. A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 8, 1864.

General HOWELL COBB,
Macon, Ga.:

Following telegram just received.* Matter submitted to your discretion.

J. A. SEDDON,
Secretary of War.

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*See Watts to Seddon, June 7, p. 476.

MACON, *June 9, 1864.*

JAMES A. SEDDON:

Yours, forwarding Governor Watts' dispatch, received. Colonel Browne will recommend detail of all the operatives at Dawson except those whose work can be done by negro laborers. I approve his decision and will communicate to Governor Watts.

HOWELL COBB,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 9, 1864.

Major-General COBB,
Macon, Ga.:

Your letter of 31st of May received. The Department was misinformed as to the condition of Howard's battalion. Your report satisfactory and action approved.

J. A. CAMPBELL,
Assistant Secretary of War.

OFFICE OF MISSISSIPPI CENTRAL RAILROAD COMPANY,
Grenada, June 9, 1864.

Maj. Gen. S. D. LEE, C. S. Army:

DEAR SIR: I find it almost impossible to keep this road in safe running order for want of shovels, axes, and some framing tools. The recent heavy rains north of this place has covered the track with sand in some places to the depth of two feet, and I can with difficulty obtain shovels to supply the few hands I have in removing it. I am compelled, therefore, to ask again for permission to send out a few bales of cotton to obtain railroad supplies. Twenty-five bales would purchase all I could hope to get out. Cotton is sent toward Memphis almost daily, and for every purpose you can imagine, yet I will not move a bale except by authority. I need labor on the road north of this place, and am willing to pay for it. I want twenty hands for two or three months. After the press of the farmers is over would you impress them for me, we paying them? I cannot hire them. This I have tried in vain to do. This road may or may not be of any benefit to the Government. This you must determine. If it is or is to be, I must have labor to repair it and tools for them to work with.

Yours, respectfully,

W. GOODMAN,
President.

AN ACT to amend the laws relating to the tax in kind.

The Congress of the Confederate States of America do enact, That the act approved seventeenth February, eighteen hundred and sixty-four, entitled "An act to amend an act entitled 'An act to lay taxes for the common defense and carry on the Government of the Confederate States,' approved April twenty-fourth, eighteen hundred and sixty-three," be, and the same is hereby, amended as follows: After the word "wool" in the first proviso of the fourth paragraph of section ten, the words "in the aggregate," shall be inserted; and in the

same article and section, the word "eight" shall be substituted for the word "five," so as to read: *Provided*, That post quartermasters shall direct such delivery to be made at any time within eight months after the date of said estimates, &c.

SEC. 2. In all cases where crops, subject to a tax in kind, have been, or may be destroyed, in whole or in part, by fire or any other accidental cause, or by the enemy, if before assessment, the assessor shall regard the part of the crop not destroyed as all that was produced by the owner; if after assessment, and the destruction be satisfactorily proven, the post quartermaster shall also regard the portion of the crop not destroyed as all that was produced, and the proof relieving the producer shall entitle the quartermaster to a credit on his return for the property thus lost.

SEC. 3. In cases where the quantity of corn reserved from the tax in kind is not sufficient to supply the actual wants of the producer, without any default on his part, upon satisfactory evidence of the fact, the Secretary of War is authorized to allow the money value to be paid for the tithe to the extent thus required.

SEC. 4. The law imposing a tax upon the assessed value of property shall not be so construed as to impose a tax upon the products of gardens intended for the use of the family of the owner, nor upon fruit raised for domestic use and not for sale.

SEC. 5. That the account of slaughtered hogs required by the first section of said act shall be rendered on or about the first day of March, eighteen hundred and sixty-five and eighteen hundred and sixty-six, for each year preceding said date.

Approved June 10, 1864.

AN ACT to raise money to increase the pay of soldiers.

The Congress of the Confederate States of America do enact, That upon all subjects of taxation under existing tax laws, there shall be assessed and levied a tax equal to one-fifth of the amount of the present tax on the same subjects for the year eighteen hundred and sixty-four, which tax shall be payable only in Confederate Treasury notes of the new issue, and shall be collected at the same times with the other taxes on the same subjects, under the laws now in force.

SEC. 2. The money arising from the tax hereby imposed shall be appropriated, first, to the payment of the increased compensation of the soldiers under the act passed at the present session.

Approved June 10, 1864.

AN ACT making appropriations for the support of the Government of the Confederate States of America, from July 1 to December 31, 1864, and to supply a deficiency.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government, from July first to December thirty-first, eighteen hundred and sixty-four:

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WAR DEPARTMENT.—For compensation of the Secretary of War, Assistant Secretary, chief of bureau, clerks, messengers, and others employed in the War Department, two hundred and five thousand dollars.

For incidental and contingent expenses of the War Department, one hundred and twenty-five thousand dollars.

For salary of Commissioner, chief clerk, and incidental expenses of Indian Bureau, nine thousand two hundred and fifty dollars.

For contingent expenses of the Adjutant and Inspector General's Department, twenty-five thousand dollars.

For incidental and contingent expenses of the Army, one hundred thousand dollars.

QUARTERMASTER'S DEPARTMENT.—For pay of the Army, seventy-four million two hundred and forty-nine thousand nine hundred and fifty-one dollars.

For disbursements for the public service of the Quartermaster's Department, one hundred and twenty-five million seven hundred and fifty thousand and forty-nine dollars.

COMMISSARY DEPARTMENT.—For the purchase of subsistence stores and commissary property, in addition to the unexpended balance of the last appropriation, one hundred million dollars.

So much of the appropriation for the Quartermaster and the Commissary Departments as may be necessary may be transferred from one to the other by order of the Secretary of War, for the purpose of paying for supplies impressed or purchased according to the exigencies of the service.

ORDNANCE DEPARTMENT.—For the ordnance service in all its branches, twenty-five million dollars.

For the niter and mining service, four million three hundred thousand dollars.

ENGINEER DEPARTMENT.—For the engineer service, ten million dollars.

MEDICAL DEPARTMENT.—For pay of physicians employed by contract, two hundred and fifty thousand dollars.

For pay of nurses and cooks, not enlisted as volunteers, three hundred and fifty thousand dollars.

For pay of hospital laundresses, one hundred and fifty thousand dollars.

For the purchase of medical and hospital supplies, fourteen million eight hundred and twenty thousand dollars.

For the establishment and support of military hospitals, one hundred thousand dollars.

For pay of hospital stewards, one hundred thousand dollars.

For pay of matrons, assistant matrons, and ward matrons, three hundred and fifty thousand dollars.

For pay of ward-masters, two hundred thousand dollars.

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SEC. 2. That no appropriation made under this act shall be drawn from the Treasury until all unexpended balances standing to the credit of the Department for which the appropriation herein made shall have been exhausted.

Approved June 13, 1864.

GENERAL ORDERS, No. 52. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 13, 1864.*

I. The following acts of Congress are published for the information of the Army:

AN ACT to amend the act approved February seventeenth, eighteen hundred and sixty-four, entitled "An act to allow commissioned officers of the Army rations, and the privilege of purchasing clothing from the Quartermaster's Department."

The Congress of the Confederate States of America do enact, That all commissioned officers in the Army and Navy shall be entitled to one ration, and all commissioned officers in the field and afloat, in addition thereto, shall be allowed to purchase from any commissary or other officer required to issue subsistence to soldiers, marines, or seamen, at the prime cost thereof, including transportation, as follows: One ration each for officers of and below the rank of colonel, two rations each for officers of the rank of brigadier-general, major-general, and lieutenant-general; and three rations each for a general; one ration each for commissioned officers of the Navy of and below the rank of commander, and two rations each for officers above that rank.

SEC. 2. That an officer shall not draw or purchase, at any time, more of the component part of a ration than is issued to the private soldier at the same time.

SEC. 3. That nothing contained in this act or the act to which this is an amendment, shall be construed as allowing commutation for rations or as authorizing an officer to receive or purchase rations, except when he requires them for his own use.

SEC. 4. That this act shall continue in force only during the war.

Approved June 7, 1864.

II. AN ACT to provide transportation in kind in certain cases to Members and Delegates in Congress.

The Congress of the Confederate States of America do enact, That whenever the usually traveled routes between the homes of members of Congress and the Capital are interfered with by the enemy, it shall be the duty of military commanders to facilitate the passage of Members and Delegates going to or returning from Congress, by furnishing transportation in kind for any distances over which they may state in writing they cannot provide themselves with transportation; and such written application, indorsed "furnished," by the party receiving the transportation, shall be accepted as a sufficient voucher for the expenditure of the officer in furnishing the same.

Approved June 8, 1864.

By order:

S. COOPER,
Adjutant and Inspector General.

AN ACT to authorize the manufacture of spirituous liquors for the use of the Army and hospitals.

The Congress of the Confederate States of America do enact, That it shall be lawful for the Surgeon-General or the Commissary-General to make all necessary contracts for the manufacture and distillation of whisky, brandy, and other alcoholic and spirituous liquors for the supply of the Army and hospitals upon such terms as may be conducive to the public interest; and that the said contracts and any heretofore made shall operate as a license to the contractor to manufacture the same for the purpose aforesaid.

SEC. 2. That the Surgeon-General and the Commissary-General shall be authorized to establish manufactories or distilleries for the purpose of obtaining the supplies aforesaid, and to employ laborers in the same, instead of resorting to contracts, if they shall deem it more prudent to do so.

SEC. 3. That no contractor or party shall, under the license granted by this act, distill or make more alcohol, whisky, brandy or other alcoholic or spirituous liquors than he shall deliver to the Government or its agents in fulfillment of his contract or contracts; nor shall it be lawful for any such contractor to sell, or in any way dispose of, otherwise than as said contract or contracts may require, any alcohol, whisky, brandy, or other alcoholic or spirituous liquors manufactured by him under the license aforesaid; nor shall this act operate as a license to any contractor for any violation of the prohibitions herein contained, when such violation shall be a crime or misdemeanor under the laws of the State in which the same may occur.

Approved June 14, 1864.

AN ACT to amend an act entitled "An act to reduce the currency and to authorize a new issue of notes and bonds," approved February seventeenth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That instead of six per cent. bonds, authorized to be issued to the States, under the twelfth section of the said act, the Secretary of the Treasury is authorized and required to issue to any State which may desire the same, one-half of such amount as the said State is entitled to claim in Treasury notes of the new issue, and the other half in said six per cent. bonds; or, at the option of the State in coupon bonds, payable in twenty years, with interest at the rate of four per cent. per annum, payable half yearly; the said four per cent. bonds not to be taxable either upon principal or interest; and this provision shall extend to any portion of the amount which such State may be entitled to claim.

Approved June 14, 1864.

AN ACT further to amend "An act to reduce the currency and to authorize a new issue of bonds and notes," approved February seventeenth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That the above-recited act be further amended, so as to allow States which have funded the Treasury notes of the old issue held by them under the provisions of the "Act to reduce the currency and to authorize a new issue of notes and bonds," approved February seventeenth, eighteen hundred and sixty-four, to exchange the certificates or bonds so received for the new issue of Treasury notes, in the same proportion, and on the same conditions as provided in said act, and the act amendatory thereof, authorizing the exchange of old notes held by the States for notes of the new issue.

Approved June 14, 1864.

AN ACT to amend the tax laws.

The Congress of the Confederate States of America do enact, That the first, second and third sections of the "Act to levy additional taxes for the common defense and support of the Government," approved seventeenth of February, eighteen hundred and sixty-four, be amended and re-enacted, so as to read as follows, to wit:

SECTION 1. That, in addition to the taxes levied by the "Act to lay taxes for the common defense and to carry on the Government of the

Confederate States," approved April twenty-fourth, eighteen hundred and sixty-three, there shall be levied from the seventeenth day of February, eighteen hundred and sixty-four, on the subjects of taxation hereinafter mentioned, and collected from every person, copartnership, association or corporation liable therefor, taxes as follows, to wit:

I. Upon the value of all property, real, personal and mixed, of every kind and description, not hereinafter exempted or taxed at a different rate, five per cent.: *Provided*, That from the tax on the value of property employed in agriculture shall be deducted the value of the tax in kind derived therefrom during the same year, as assessed under the law imposing it, and delivered to the Government, whether delivered during the year or afterward, including the bacon, deliverable after, and not prior to, the assessment of the tax on property employed in agriculture as aforesaid; and the collection of the tax on such property shall be suspended after assessment, under the order of the Secretary of the Treasury, until the value of the tithe to be deducted can be ascertained, and when so ascertained, it shall be the duty of the post quartermaster to certify, and of the district collector to deduct, the value of such tithe, and any balance found due may be paid in bonds and certificates therefor, authorized by the "Act to reduce the currency and to authorize a new issue of notes and bonds," in like manner as other taxes payable during the year: *Provided*, That no credit shall be allowed beyond five per cent.

II. On the value of gold and silver ware and plate, jewels, jewelry, and watches, ten per cent.

III. The value of property taxed under this section shall be assessed on the basis of the market value of the same, or similar property in the neighborhood where assessed, in the year eighteen hundred and sixty, except in cases where lands, slaves, cotton and tobacco have been purchased since the first day of January, eighteen hundred and sixty-two, in which case the said land, slaves, cotton and tobacco so purchased shall be assessed at the price actually paid for the same by the owner: *Provided*, That land purchased by refugees and held and occupied by them for their own use and residence, shall be assessed according to its market value in the year eighteen hundred and sixty.

SEC. 2. That section second of an act entitled "An act to levy additional taxes for the common defense and support of the Government," approved seventeenth February, eighteen hundred and sixty-four, be, and the same is hereby, repealed; and it is hereby declared, that all the property and assets of corporations, associations and joint stock companies of every description, whether incorporated or not, shall be assessed and taxed in the same manner, and to the same extent, as the property and assets of individuals; the tax on such property and assets to be assessed against, and paid by, such corporations, associations and joint stock companies: *Provided*, That no bank or banking company shall be liable to pay a tax upon deposits of money to the credit of, and subject to the checks of, others: *Provided further*, That the stock, shares or interests representing property or assets in corporations or joint stock companies, or associations, shall not be assessed or taxed: *And provided further*, That all property within the enemy's lines be, and the same is hereby, exempted from all taxation so long as it remains in the enemy's lines.

SEC. 3. That paragraph one of section three of an act entitled "An act to levy additional taxes for the common defense and support of the Government," approved seventeenth February, eighteen hundred

and sixty-four, be, and the same is, hereby amended and re-enacted, so as to read as follows: Upon the amount of all gold and silver coin, gold dust, gold or silver bullion, moneys held abroad, or bills of exchange, drawn therefor, promissory notes, rights, credits and securities, payable in foreign countries, five per cent. to be paid in specie, or Confederate Treasury notes at their value, as compared with specie at the time the tax is payable; the relative value of specie and Confederate Treasury notes, for the purpose of payment under this act, to be fixed by regulations to be prescribed by the Commissioner of Taxes, under the direction of the Secretary of the Treasury.

SEC. 4. That section sixteen of the "Act to amend an act entitled 'An act to lay taxes for the common defense and carry on the Government of the Confederate States,'" approved seventeenth February, eighteen hundred and sixty-four, be, and the same is hereby, amended, so as to read as follows:

I. The income, property and money, other than Confederate Treasury notes, of hospitals, asylums, churches, schools, colleges and other charitable institutions, shall be exempted from taxation under the provisions of this act, or any other law. The property of companies formed under the act entitled "An act to establish a volunteer navy," shall be exempt from taxation, except on the income.

II. That paragraph six, section seven, of the same act, be, and the same is, hereby amended by adding thereto, as follows:

"If any person shall fail to make due return, as required by said section, of the income or profits taxed under any law of Congress, or in case of disagreement with the assessor, to submit the same to referees, as provided by law, or shall fail or refuse to pay the tax thereon, within such time as shall be prescribed by public notice, by the district collector, under the direction of the Commissioner of Taxes, such person shall be deemed and held to be in default: *Provided*, That such person shall not be deemed and held to be in default, who may fail, or has failed to make payment, or due returns, in consequence of the presence or interference of the enemy, or the absence or neglect of the officers charged with the assessment and collection of taxes."

SEC. 5. That this act shall not be so construed as to subject to taxation corn, bacon and other agricultural products, which were produced in the year eighteen hundred and sixty-three, and in the possession of the producer on the seventeenth of February, eighteen hundred and sixty-four, and necessary for the support of himself and family during the present year, and from or on which taxes in kind have been deducted and delivered or paid.

SEC. 6. That section four, paragraphs one and two, of the act approved February seventeenth, eighteen hundred and sixty-four, entitled "An act to levy additional taxes for the common defense and support of the Government," be so amended as to levy an additional tax of thirty per cent. upon the amount of all profits made by selling the articles mentioned in the said paragraphs, between the seventeenth day of February, eighteen hundred and sixty-four, and the first day of July next, which additional tax shall be collected under said act.

SEC. 7. That on all Treasury notes of the old issue, of the denomination of five dollars, not exchanged for new issue prior to the first day of January, eighteen hundred and sixty-five, and which may remain outstanding on that day, a tax of one hundred per cent. is hereby imposed.

SEC. 8. That section seven of an act entitled "An act to levy additional taxes for the common defense and support of the Government," approved seventeenth February, eighteen hundred and sixty-four, be, and the same is hereby, repealed, and the following inserted in lieu thereof:

I. That the first section of the "Act to lay taxes for the common defense and to carry on the Government of the Confederate States," approved twenty-fourth April, eighteen hundred and sixty-three, is suspended for the year eighteen hundred and sixty-four.

II. In all cases where a tax is levied on income derived from property, real, personal and mixed of every description, on the amount or value of which an *ad valorem* tax is laid, the *ad valorem* tax shall be deducted from the income tax: *Provided*, That in no case shall less be paid than the *ad valorem* tax.

III. In the assessment of income derived from manufacturing or mining, there shall be deducted from the gross income or profits, the necessary annual repairs, not exceeding ten per cent. on the amount of the income derived therefrom. And, in addition to the deductions now allowed by law in the assessment of incomes derived from any source, the following shall be made, namely: The Confederate taxes actually paid by the owner on sales made by him, and the commissions actually paid by the consignor or shipper for selling, and in the production or manufacture of pig metal or other iron, the cost of fuel.

SEC. 9. That all citizens of any one of the Confederate States, temporarily residing in another State, shall be liable to be assessed and taxed in the State or district in which he may temporarily reside; and it shall be the duty of all such who have not heretofore made return of their taxable property to the district assessor where they may temporarily reside, within thirty days after the passage of this act, to make such return; and any one liable to be assessed and taxed as aforesaid who shall fail or refuse, within the said period of thirty days to make such return, shall be liable to all the pains and penalties imposed by the laws of the Confederate States in such case.

Approved June 14, 1864.

AN ACT to increase the compensation of the heads of the several Executive Departments, and the Assistant Secretary of War and the Treasury and of the Assistant Attorney-General and the Comptroller of the Treasury and other officers therein named.

The Congress of the Confederate States of America do enact, That the compensation of the heads of the several Executive Departments of the Government shall, for one year from the passage of this act, be increased to nine thousand dollars; and of the Assistant Secretary of War and of the Treasury and of the Assistant Attorney-General and the Comptroller of the Treasury be increased to six thousand dollars; and that the salaries of all clerks and employés in the various departments, located in the city of Richmond, be increased thirty-three and one-third per cent., and at all other points throughout the Confederate States twenty-five per cent. for one year from the passage of this act: *Provided*, That the clerks detailed from the Army or Navy shall not be entitled to the benefits of this act.

Approved June 14, 1864.

AN ACT making additional appropriations for the support of the Government.

The Congress of the Confederate States of America do enact, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Government, in addition to appropriations heretofore made, for the period ending the thirty-first of December, eighteen hundred and sixty-four.

* * * * * * *

WAR DEPARTMENT.—For compensation of the Secretary of War, Assistant Secretary, chief of bureau, clerks, messenger and other employés, for the period ending thirty-first December, eighteen hundred and sixty-four, two hundred and fifty-eight thousand dollars.

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Approved June 14, 1864.

AN ACT to amend an act entitled "An act to prohibit the importation of luxuries or of articles not necessaries or of common use," approved February sixth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That so much of the act entitled "An act to prohibit the importation of luxuries or of articles not necessaries or of common use," approved sixth February, eighteen hundred and sixty-four, as forbids the importation of prepared "vegetables, fruits, meats, poultry and game, sealed or inclosed in cans or otherwise, and brooms and brushes of all kinds," is hereby repealed.

Approved June 14, 1864.

JOINT RESOLUTION declaring the dispositions, principles and purposes of the Confederate States in relation to the existing war with the United States.

Whereas, it is due to the great cause of humanity and civilization, and especially to the heroic sacrifices of their gallant army in the field, that no means consistent with a proper self-respect, and the approved usages of nations, should be omitted by the Confederate States to enlighten the public opinion of the world with regard to the true character of the struggle in which they are engaged, and the dispositions, principles and purposes by which they are actuated: Therefore,

Resolved by the Congress of the Confederate States of America, That the following manifesto be issued in their name and by their authority, and that the President be requested to cause copies thereof to be transmitted to our commissioners abroad, to the end that the same may be laid before foreign governments:

MANIFESTO OF THE CONGRESS OF THE CONFEDERATE STATES OF AMERICA RELATIVE TO THE EXISTING WAR WITH THE UNITED STATES.

The Congress of the Confederate States of America, acknowledging their responsibility to the opinion of the civilized world, to the great law of Christian philanthropy, and to the Supreme Ruler of the Universe, for the part they have been compelled to bear in the sad

spectacle of war and carnage which this continent has, for the last three years, exhibited to the eyes of afflicted humanity, deem the present a fitting occasion to declare the principles, the sentiments, and the purposes by which they have been, and are still, actuated. They have ever deeply deplored the necessity which constrained them to take up arms in defense of their rights and of the free institutions derived from their ancestors; and there is nothing they more ardently desire than peace, whensoever their enemy, by ceasing from the unhallowed war waged upon them, shall permit them to enjoy in peace the sheltering protection of those hereditary rights and of those cherished institutions.

The series of successes with which it has pleased Almighty God, in so signal a manner, to bless our arms on almost every point of our invaded borders since the opening of the present campaign, enables us to profess this desire of peace in the interests of civilization and humanity without danger of having our motives misinterpreted, or of the declaration being ascribed to any unmanly sentiment, or any distrust of our ability fully to maintain our cause. The repeated and disastrous checks foreshadowing ultimate discomfiture, which their gigantic Army, directed against the Capital of the Confederacy, has already met with, are but a continuation of the same providential successes for us. We do not refer to these successes in any spirit of vain boasting, but in humble acknowledgment of that Almighty protection which has vouchsafed and granted them.

The world must now see that eight millions of people, inhabiting so extensive a territory, with such varied resources, and such numerous facilities for defense as the benignant bounty of nature has bestowed upon us, and animated with one spirit to encounter every privation and sacrifice of ease, of health, of property, of life itself, rather than be degraded from the condition of free and independent States into which they were born, can never be conquered. Will not our adversaries themselves begin to feel that humanity has bled long enough, that tears and blood and treasure enough have been expended in a bootless undertaking, covering their own land, no less than ours, with a pall of mourning, and exposing them far more than ourselves to the catastrophe of financial exhaustion and bankruptcy, not to speak of the loss of their liberties by the despotism engendered in an aggressive warfare upon the liberties of another and kindred people? Will they be willing, by a longer perseverance in a wanton and hopeless contest, to make this continent, which they so long boasted to be the chosen abode of liberty and self-government, of peace and a higher civilization, the theater of the most causeless and prodigal effusion of blood which the world has ever seen, of a virtual relapse into the barbarism of the ruder ages, and of the destruction of constitutional freedom by the lawlessness of usurped power? These are questions which our adversaries will decide for themselves. We desire to stand acquitted, before the tribunal of the world, as well as in the eyes of Omniscient justice, of any responsibility for the origin or prolongation of a war as contrary to the spirit of the age as to the traditions and acknowledged maxims of the political system of America. On this continent, whatever opinions may have prevailed elsewhere, it has ever been held and acknowledged by all parties, that government, to be lawful, must be founded on the consent of the governed. We were forced to dissolve our federal connection with our former associates by their aggressions on the fundamental principles of our compact of union with them, and, in doing so, we exercised a right consecrated in

the great charter of American liberty—the right of a free people, when a government proves destructive of the ends for which it was established, to recur to original principles and to institute new guards for their security.

The separate independence of the States, as sovereign and coequal members of the Federal Union, had never been surrendered, and the pretension of applying to independent communities, so constituted and organized, the ordinary rules for coercing and reducing rebellious subjects to obedience, was a solecism in terms as well as an outrage on the principles of public law. The war made upon the Confederate States was, therefore, wholly one of aggression; on our side it has been strictly defensive. Born freemen, and the descendants of a gallant ancestry, we had no option but to stand up in defense of our invaded firesides, of our desecrated altars, of our violated liberties and birthright, and of the prescriptive institutions which guard and protect them. We have not interfered, nor do we wish in any manner whatever to interfere, with the internal peace and prosperity of the States arrayed in hostility against us, or with the freest development of their destinies in any form of action or line of policy they may think proper to adopt for themselves. All we ask is a like immunity for ourselves, and to be left in the undisturbed enjoyment of those inalienable rights of "life, liberty, and the pursuit of happiness" which our common ancestors declared to be the equal heritage of all parties to the social compact. Let them forbear aggressions upon us, and the war is at an end. If there be questions which require adjustment by negotiation, we have ever been willing, and are still willing, to enter into communication with our adversaries in a spirit of peace, of equity, and manly frankness. Strong in the persuasion of the justice of our cause, in the gallant devotion of our citizen-soldiers and the whole body of our people, and above all, in the gracious protection of Heaven, we are not afraid to avow a sincere desire for peace on terms consistent with our honor and the permanent security of our rights, and an earnest aspiration to see the world once more restored to the beneficent pursuits of industry and of neutral [mutual] intercourse and exchanges so essential to its well-being, and which have been so gravely interrupted by the existence of this unnatural war in America. But if our adversaries, or those whom they have placed in authority, deaf to the voice of reason and justice, steeled against the dictates of both prudence and humanity, by a presumptuous and delusive confidence in their own numbers or those of their black and foreign mercenaries, shall determine upon an indefinite prolongation of the contest, upon them be the responsibility of a decision so ruinous to themselves and so injurious to the interests and repose of mankind. For ourselves, we have no fear of the result. The wildest picture ever drawn of a disordered imagination comes short of the extravagance which could dream of the conquest of eight millions of people resolved with one mind "to die freemen rather than live slaves," and forewarned by the savage and exterminating spirit in which this war has been waged upon them, and by the mad avowals of its patrons and supporters of the worse than Egyptian bondage that awaits them in the event of their subjugation.

With these declarations of our dispositions, our principles, and our purposes, we commit our cause to the enlightened judgment of the world, to the sober reflections of our adversaries themselves, and to the solemn and righteous arbitrament of Heaven.

Approved June 14, 1864.

CIRCULAR } CONFEDERATE STATES OF AMERICA,
No. 21. } WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., June 15, 1864.

I. The active campaigns now in progress must cause increased straggling and desertion, as well as the necessity for new material for the armies. The superintendent urgently calls on commandants for increased activity and vigilance in every branch of the service. They will issue special instructions to their enrolling officers to be active and energetic in obtaining every man fitted for the field, and in sending back all who are improperly absent. The superintendent learns there is some relaxation in the service. From every State reports are received of men not called into the Army, and vast numbers are unduly absent from their posts. There has been no moment during the war when such a state of things was more to be deprecated. It must be corrected. Enrolling officers must be rigid, active, and vigilant, or be held to strict accountability for negligence.

II. The delays which have occurred in forwarding applications for exemptions and details have been productive of serious inconvenience to the parties interested and of injury to the Army and country. Every consideration of duty and patriotism demands that the officers of the Government should exhibit a devotion and energy commensurate with the urgent necessities of the Army and the country. Indolence in such an emergency is highly criminal. Every application should receive immediate attention. The ranks of the Army must be filled up. The places of the gallant men who have been stricken down in the noble discharge of duty must be supplied as promptly as practicable. This cannot be done unless the officers of conscription shall give themselves with entire devotion to the discharge of the duties required of them. Appeals taken by parties must be forwarded forthwith, and no excuse will be received for withholding such papers. In cases where there is any show of merit, and the parties are in pursuit of the occupation for which exemption or detail is asked, they should not be disturbed till final action is taken. The reports of the enrolling officers are frequently too meager and unsatisfactory to enable the Bureau to decide the cases submitted. It is hoped that this defect, to which the Bureau has had frequent occasion to call attention, will in the future be corrected. In all agricultural cases it is desired that the reports should state the probable amount of the surplus produced by the applicant, and in all cases where assigning the party to the Army will cast his family upon the community for support the report should state what provision has been made by the State or county authorities for their maintenance and protection.

Enrolling officers should be carefully instructed upon these points.

By order of Brigadier-General Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

(To Commandants of Conscripts.)

JUNE 16, 1864.

Report of inspection of Camp Holmes, a camp of instruction near Raleigh, commanded by Major Hahr, with the following staff: One first lieutenant, adjutant; one first lieutenant, receiving officer; one assistant quartermaster; one assistant commissary of subsistence; one surgeon and one assistant surgeon; one chaplain; one first lieutenant, commanding guard; four second lieutenants, drill-masters.

As the conscripts come in their names are recorded with a statement of their age, county, the officer by whom enrolled, and other facts entering into a descriptive list. When they leave the camp the assignment made of them is recorded in the same book, which thus presents a complete history of the connection of each conscript passing through this camp with the conscription authorities. Nine thousand and fifty-seven are shown to have been enrolled at Camp Holmes during the year ending June 13, but this figure does not indicate the whole number enrolled in the State in that period, as many are detailed for various duties without passing through the camp of instruction. The names thus recorded are classified in three other books as follows: 1. The principals of substitutes—430 so far. 2. Persons exempt prior to act of February 17 otherwise than by substitution. 3. Those not previously exempt. All conscripts fit for the field are examined by the Medical Board and classified according to their special fitness for artillery, cavalry, or infantry service. Besides the above the following books are kept:

1. A record of the absentees, deserters, &c., arrested and sent to their commands. Three hundred odd of these arrests were made in May; over 6,000 have been returned through this camp.

2. Morning report book showing all present in camp.

3. Order book. These books preserve a record of all the facts which would seem to be essential.

There are 136 enlisted men in camp. Of these, sixty-four disabled conscripts and soldiers constitute the camp guard. The remainder are conscripts whose permanent assignment is delayed for obvious causes. Colonel Mallett, commandant of conscripts, thinks the guard which has been limited by the Bureau to the above number too small to prevent the escape of conscripts, and entirely insufficient to furnish traveling guards for the conscripts, deserters, and others sent to the various armies. Sixty men are needed for this duty alone, he says. The average time this year which conscripts have remained at Camp Holmes is less than a week. They are not drilled during that time, it is stated, because better employment has been found for the drill-masters. This I should think a mistake. Even a week's drilling would do something to set the conscript up as a soldier, and would at least keep him in good health and spirits. With the present organization I see no reason why the few conscripts in camp should not be industriously drilled three times a day.

Staff departments.—The assistant quartermaster, besides discharging the appropriate duties of the camp, pays all the enrolling officers of the State and provides them with stationery. Every conscript is clothed by him before he leaves the camp. Employés: One clerk, one forage-master, one overseer of wood-choppers—all disabled soldiers or conscripts.

The medical officers are the physicians of the camp, and constitute a board for the duties before mentioned. The senior officer has the supervision of all the district medical boards, and is charged with the

duty of keeping them filled with proper officers. Every conscript is vaccinated here. A neat hospital with eighteen beds is attached. Employés: One hospital steward, regularly appointed; one clerk, a disabled conscript.

The assistant commissary of subsistence draws his supplies from the district commissary at Raleigh. Ration: One and one-eighth pounds flour, one-third pound bacon or one pound salt fish, the latter two days out of three, one-tenth pound rice, and salt as usual. During the past month two quarts of molasses to the hundred rations have been issued. Employés: Two clerks and one teamster, each a disabled soldier or conscript. A fine garden of twenty acres filled with vegetables will materially improve the fare and contribute to the health of the conscripts this summer. It is cultivated by six conscripts unfit for field service. The men are quartered in log huts. There is abundance of room, but the police of the quarters might be improved. The guard-house is dirty and too confined. It appears that of some 250 conscripts who had been doing duty for two years in Mallett's battalion as a camp guard and supporting force, 100 men without any experience on the water selected the naval service when their temporary organization was disbanded a few weeks since. Thus 100 trained soldiers are lost to the Army when every man is needed. I mention the incident, as it may be thought proper to take measures for their transfer to the Army, or for the alteration of the law at the next session of Congress. With the instructions on this subject under which commandants are now acting (issued by General Rains) it is matter of surprise that a single conscript goes to the Army.

Respectfully submitted.

ARCHER ANDERSON,
Lieutenant-Colonel and Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 16, 1864.

Lieut. Bennett H. Young is hereby authorized to organize for special service a company, not to exceed twenty in number, from those who, belonging to the service, are at this time beyond the Confederate States. They will be entitled to their pay, rations, clothing, and transportation, but no other compensation for any service which they may be called upon to render. The organization will be under the control of this Department, and liable to be disbanded at its pleasure and the members returned to their respective companies.

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 53. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, June 17, 1864.

I. The following acts of Congress are published for the information of the Army:

(1.)

AN ACT to authorize the appointment of commissaries for regiments of cavalry.

The Congress of the Confederate States of America do enact, That from and after the passage of this act, there shall be allowed to each regiment of cavalry

in the Army of the Confederate States, one commissary, with the same rank, pay and allowances as are now allowed by law to the quartermaster of such regiment.

Approved May 23, 1864.

(2.)

AN ACT to amend an act entitled "An act creating the office of ensign in the Army of the Confederate States."

The Congress of the Confederate States of America do enact, That the above-cited act be, and the same is hereby, amended so as to allow the appointment of an ensign to each battalion of infantry.

SEC. 2. That the said act, and this amendment thereto, shall be understood and construed to apply only to the Provisional Army of the Confederate States.

Approved May 31, 1864.

(3.)

AN ACT to furnish transportation to officers of the Army and Navy while traveling under orders.

The Congress of the Confederate States of America do enact, That officers of the Army and Navy while traveling under orders of the War or Navy Department shall be allowed transportation in kind for themselves and their personal baggage, and ten dollars per day for expenses while necessarily traveling in the execution of their orders.

Approved June 4, 1864.

(4.)

AN ACT to provide for the appointment of additional military store-keepers in the Provisional Army of the Confederate States.

The Congress of the Confederate States of America do enact, That the President be authorized to appoint ten military store-keepers of ordnance in the Provisional Army of the Confederate States, in addition to those authorized by act of May first, eighteen hundred and sixty-three, entitled "An act to provide for the appointment of military store-keepers in the Provisional Army of the Confederate States," five with the pay and allowances of a captain of infantry, and five with the pay and allowances of a first lieutenant of infantry.

SEC. 2. That military store-keepers of the first class, so appointed, shall be required to give the usual bonds in the sum of twenty thousand dollars, and those in the second class, in the sum of ten thousand dollars. This act shall be in force from and after its passage: *Provided*, That no one shall be appointed under its provisions except persons who were performing the duties of acting military store-keepers prior to January first, eighteen hundred and sixty-four, or have become incapacitated by wounds or sickness for active service.

Approved June 4, 1864.

(5.)

AN ACT to increase the compensation of the non-commissioned officers and privates of the Army of the Confederate States.

The Congress of the Confederate States of America do enact, That from and after the passage of this act, the pay of the non-commissioned officers, privates and musicians of the Army of the Confederate States be, and the same is hereby, increased seven dollars per month for the period of one year from the passage of this act.

Approved June 9, 1864.

(6.)

AN ACT to amend an act entitled "An act to establish a Niter and Mining Bureau," approved April twenty-second, eighteen hundred and sixty-three.

The Congress of the Confederate States of America do enact, That the act approved April twenty-second, eighteen hundred and sixty-three, constituting the Niter and Mining Bureau an independent bureau of the War Department, be amended as follows: That the Niter and Mining Bureau shall consist of one colonel as chief of Bureau, two lieutenant-colonels, six majors, twelve captains, who shall have the same pay and allowances prescribed for officers of cavalry of the same grade.

SEC. 2. *Be it further enacted*, That chemists and professional assistants, absolutely essential for the operations of the Bureau, not to exceed six of each class, shall be appointed by the Secretary of War, with pay in no case to be above that of lieutenant-colonel of the commissioned corps.

SEC. 3. That this act shall continue in force only during the present war.

Approved June 9, 1864.

(7.)

AN ACT for the payment of commissioners appointed under the act entitled "An act to suspend the privilege of the writ of habeas corpus in certain cases," and to confer certain powers upon said commissioners.

The Congress of the Confederate States of America do enact, That the commissioners appointed under the said act shall be entitled to receive the compensation of two hundred and fifty dollars each per month, from the date of their respective appointments, until the expiration of their service; and that their assistants shall be allowed one hundred and fifty dollars per month, from the date of their appointments, respectively, until the expiration of their service.

SEC. 2. That the said commissioners shall have the powers conferred upon commissioners appointed by the district courts by the act of the Provisional Congress, approved thirtieth of August, eighteen hundred and sixty-one, and numbered two hundred and seventy-three, in the acts of the said Congress.

Approved June 9, 1864.

(8.)

AN ACT to provide for the compensation of non-commissioned officers, soldiers, sailors, and marines on detailed service.

The Congress of the Confederate States of America do enact, That all persons detailed from the Army or after enrollment for military service, or from the Navy or Marine Corps, for special duty or extra duty, shall be allowed to receive their regular pay, rations and allowances, as if they were performing service in the field.

SEC. 2. That all such detached or detailed men shall be allowed, in addition, not exceeding two dollars per day, and compensation for all extra work, or for any uncommon skill or industry displayed in the performance of duties to which they may be assigned, in proportion to the value of such extra labor or uncommon skill or industry, whether it be in performing an unusual amount of work within the usual hours of labor, or work performed beyond the usual hours, or extraordinary skill and superior workmanship displayed in the execution of such duties, the value of said extra labor or uncommon skill or industry, to be determined by the officer or superintendent under whose immediate direction said detached or detailed service may be performed, subject to the approval of the Secretary of War or Navy. The additional compensation provided in this section shall be the same for both the War and Navy Departments, under certain rules to be prescribed by the President.

SEC. 3. That all non-commissioned officers, musicians, privates, sailors or marines, detailed to Government contractors, shall be so detailed without pay and allowances, but shall be compensated for their services by wages received from said contractors, under rules to be prescribed by the Secretary of War or of the Navy.

Approved June 9, 1864.

(9.)

AN ACT to organize a corps of scouts and guards to facilitate communication with the Trans-Mississippi Department.

The Congress of the Confederate States do enact, That the President of the Confederate States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint one major and four captains to do service as scouts in the Valley of the Mississippi River, or to assign any proper officers for that purpose.

SEC. 2. That the officers thus commissioned shall have authority to raise four companies, to be officered by the President, to be composed of such members and such persons as he may approve, for scout and guard duty for Government transportation across the Mississippi River, under such rules and regulations as may be prescribed by the War Department.

SEC. 3. That the President may detail such officers and men from the Army as he may deem peculiarly qualified for such service.

SEC. 4. That such scouts and guards shall be composed either of infantry or cavalry, or in part of both, at the discretion of the President, and equipped in such manner as will make them most effective, and shall be entitled to the same pay and allowances and be subject to the same regulations as other soldiers.

Approved June 10, 1864.

(10.)

AN ACT to amend an act entitled "An act to organize military courts to attend the army of the Confederate States in the field, and to define the powers of said courts."

The Congress of the Confederate States of America do enact, That the above-entitled act be so amended that in all instances in which the particular division, corps, district or other subordinate organization, to which a military court is or may be hereafter appointed or assigned, the commander of the army or department may by order, when in his discretion it shall be proper and safe to do so, direct and empower the commander of the subordinate division, corps, district, &c., to pass upon and refer for trial all charges and specifications to come before said court, review and confirm or disapprove the records thereof, transmit the same direct to the War Department, remit or suspend sentences (where lawful) and take all action and exercise all jurisdiction in that behalf which pertains under existing laws to the commander of the army or department.

SEC. 2. That from and after the passage of this act, when any person shall have been tried by any military court or court-martial, and acquitted of the charge or charges preferred, the finding of the court shall be announced immediately, and the person so tried and acquitted, if a soldier, shall be released from arrest and returned to duty; and if other than a soldier, discharged from custody without awaiting the examination or report of the reviewing officer of such court.

Approved June 14, 1864.

(11.)

AN ACT to authorize the formation of new commands, to be composed of supernumerary officers, who may resign to join such commands, and to limit and restrict the appointment of officers in certain cases.

The Congress of the Confederate States of America do enact, That the President is hereby authorized to grant authority for the organization of companies, battalions or regiments, to be composed of supernumerary officers of the Provisional Army.

SEC. 2. That it shall be lawful for any supernumerary officer to join said organization, or any other company in the Confederate service, which does not exceed the maximum prescribed by law, upon tender to the proper authorities of his resignation for that purpose.

SEC. 3. That the offices left vacant by such resignations shall not be filled, and that hereafter the lowest grade of commissioned officer shall not be filled unless there are upon the rolls of the company for service at least forty-six non-commissioned officers and privates; nor shall the position of senior second lieutenant be filled, in case of a vacancy therein, unless there are upon the rolls of the company for service at least thirty non-commissioned officers and privates; nor shall the position of first lieutenant be filled, unless in case of a vacancy there are at least twenty non-commissioned officers and privates on the rolls of the company for service, which fact shall in each case be certified to by the captain of the company and approved by the colonel of the regiment, before such promotion can be made.

Approved June 14, 1864.

(13.)

AN ACT to amend so much of an act entitled "An act to organize forces to serve during the war," approved February seventeenth, eighteen hundred and sixty-four, as relates to the exemption of certain religious denominations.

The Congress of the Confederate States of America do enact, That the Secretary of War shall be authorized to grant exemptions to the members of the various denominations of Christians mentioned in the exemption act of the eleventh of October, eighteen hundred and sixty-two, who, at that time, belonged to the

same, and who were in regular association therewith, upon the terms and conditions specified in that act, or upon such other terms and conditions as he is authorized to allow exemptions or grant details under any of the clauses of the act approved February seventeenth, eighteen hundred and sixty-four, to which this is an amendment.

SEC. 2. That the Secretary of War be, and he is hereby, authorized to revoke any such exemptions under the act aforesaid, when the same have been obtained by any fraud, misrepresentation or error.

Approved June 7, 1864.

(14.)

AN ACT to authorize the appointment of quartermasters and assistant quartermasters and commissaries and assistant commissaries in the Provisional Army in certain cases.

The Congress of the Confederate States of America do enact, That the President is hereby authorized, by and with the advice and consent of the Senate, to appoint, for the Provisional Army, additional quartermasters and commissaries, with the rank of colonel, lieutenant-colonel and major: *Provided*, That such additional quartermasters and commissaries, with the rank of colonel, shall not exceed the number of military departments and separate armies existing at the time of their appointment; and that the additional quartermasters and commissaries, with the rank of lieutenant-colonel, shall not exceed the number of army corps existing at the time of their appointment; and that the additional quartermasters and commissaries, with the rank of major, shall not exceed the number of divisions of the army existing at the time of the appointment, and for the collection, control and distribution of railroad and field transportation and army supplies, the President may appoint such additional quartermasters and assistant quartermasters and commissaries as may be necessary for the efficient execution of the duties of the Quartermaster's and Commissary Departments; and such purchasing agents or transportation agents may be employed as the service may require, who shall not have military rank, and whose compensation shall not exceed the pay of a captain of infantry, and who may be required to give bond for the faithful performance of those duties; but nothing herein contained shall be construed to prohibit the assignment of quartermasters and commissaries, or assistant quartermasters or commissaries to any of the foregoing duties, or to the duty of paying troops: *Provided*, That all said appointments shall be made from persons who are over forty-five years of age, or who are incapacitated physically for service in the field, or who have been in the service over twelve months, or have been heretofore discharging any of the aforesaid duties: *Provided, further*, That additional assistant quartermasters and commissaries shall not be appointed, if there are officers already in service who can be assigned to such duties without detriment to the service.

SEC. 2. That it shall be no longer incumbent on the President to appoint or to keep in service an assistant quartermaster, with the rank of captain for each regiment or battalion in the field, but he may assign the quartermaster of any army corps, division, brigade, regiment or battalion, or the commissary of any army, army corps, division or brigade, to duty as quartermaster or commissary elsewhere, and to assign quartermasters, assistant quartermasters, and commissaries and assistant commissaries appointed to posts or depots, or for other duties, to serve with armies, army corps, divisions or brigades in the field, whenever, in his opinion, the public interest will be promoted thereby.

SEC. 3. That in case the services of any regimental quartermaster, or any other quartermaster or assistant quartermaster, or commissary or assistant commissary, appointed under this act, can, in the opinion of the President, be dispensed with, and such officer cannot be otherwise appropriately employed *to* the public interest, his name shall be dropped from the rolls, and he shall cease to be an officer of the Provisional Army.

SEC. 4. That the President be, and he is hereby, authorized to appoint one quartermaster, with the rank of major, for each State, and one assistant quartermaster, with the rank of captain, for each Congressional district in the several States, to execute the duties of the act in reference to the tax in kind: *Provided*, That the appointments to be made in pursuance of this section, shall be made with the same restrictions and limitations as are set forth in the first proviso to the first section of this act.

Approved June 14, 1864.

(15.)

AN ACT to amend an act entitled "An act to aid any State in communicating with and perfecting records concerning its troops," approved sixteenth February, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That the above named act be, and the same is hereby, amended so as to allow to the State officer therein named, the right to purchase forage for one horse in addition to the right granted thereby to purchase one ration, said purchases to be made upon the same terms and conditions, and under the same circumstances under which officers of the Provisional Army may be allowed to purchase rations or forage.

Approved May 31, 1864.

(16.)

AN ACT to amend the several acts in regard to chaplains.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint, when in his judgment it may be proper to do so, chaplains to battalions and to general hospitals, who shall receive the same pay and allowances now authorized by law to chaplains appointed to regiments and posts.

Approved May 31, 1864.

(17.)

AN ACT to provide for the appointment of officers with temporary rank and command.

The Congress of the Confederate States of America do enact, That the President be, and he is hereby authorized, by and with the advice and consent of the Senate, to appoint temporary officers of the rank of brigadier-general, major-general, lieutenant-general or general for the Provisional Army, and assign them to any appropriate command.

SEC. 2. That the said officers, so appointed, shall only hold their said rank and their said command, for such time as the temporary exigency may require, at the expiration of which time they shall resume their previous permanent rank and command.

Approved May 31, 1864.

(18.)

JOINT RESOLUTION to allow sick and wounded officers of the Army transportation to their homes and hospital accommodations.

Resolved by the Congress of the Confederate States of America, That sick and wounded officers on leave, upon certificates of a board of surgeons, be allowed transportation to their homes and back to their commands, as in the case of enlisted men on furlough; the indulgence hereby accorded to continue in force for ninety days after the next meeting of Congress.

Resolved, further, That all sick and wounded officers in the naval and military service shall be entitled to enter any hospital and receive such treatment and rations as now provided by law, free of charge.

Approved June 10, 1864.

(19.)

AN ACT to amend "An act to organize forces to serve during the war," approved February seventeenth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That the act entitled "An act to organize forces to serve during the war," approved seventeenth February, eighteen hundred and sixty-four, be, and the same is hereby, so amended as to allow all white male residents between the ages of seventeen and eighteen and forty-five and fifty, who were prevented from enrolling themselves within the time prescribed by the said act, by the occupation of their localities or country by the public enemy, and whose homes are, and have been since the passage of said act, beyond the lines of the Confederate armies, to organize themselves in pursuance of the sixth section of said act, after their homes or localities are

brought within the lines of the Confederate armies; and this privilege shall continue for the space of thirty days after the reoccupation is announced by an order issued by the general commanding the department, and published in the military department in which such reoccupation may occur.

Approved June 10, 1864.

(20.)

AN ACT to graduate the pay of general officers.

The Congress of the Confederate States of America do enact, That the pay of a general shall be five hundred dollars per month; that of a lieutenant-general, four hundred and fifty dollars per month, and that of a major-general, three hundred and fifty [dollars] per month; that a general commanding an army in the field shall receive in addition to the said sum of five hundred dollars per month, one hundred dollars; and a lieutenant-general, a major-general and a brigadier-general shall, whilst serving in the field, each receive fifty dollars per month, in addition to the sum herein allowed, whilst so serving; and all laws allowing additional compensation for commanding a separate army in the field be, and they are hereby, repealed, except as herein provided; and that this act will be in force for one year and no longer.

Approved June 10, 1864.

(21.)

AN ACT to authorize the appointment of additional officers of artillery for ordnance duties.

The Congress of the Confederate States of America do enact, That the President, by and with the advice and consent of the Senate, may appoint fifty officers of artillery in the Provisional Army for the performance of ordnance duties, in addition to those authorized by the act entitled "An act to authorize the appointment of officers of artillery in the Provisional Army," approved April twenty-first, eighteen hundred and sixty-two, and "An act to authorize the appointment of additional officers of artillery for ordnance duties," approved September sixteenth, eighteen hundred and sixty-two, and that the rank of said officers shall be as provided in said last-named act.

Approved June 10, 1864.

(22.)

AN ACT to amend an act entitled "An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts," approved October ninth, eighteen hundred and sixty-two.

The Congress of the Confederate States of America do enact, That so much of the said act as empowers the said military courts to appoint their clerks and marshals, and provides for the payment of the salaries of the said officers, is hereby repealed; and hereafter it shall be the duty of the Secretary of War to detail and assign persons to fill said offices from military officers and non-commissioned officers and privates unable to perform duty in the field, and the compensation of such persons shall only be the pay to which they may be respectively entitled by virtue of their military commissions.

Approved June 14, 1864.

(23.)

AN ACT to provide and organize a general staff for armies in the field to serve during the war.

The Congress of the Confederate States of America do enact, That hereafter the general staff of the Army shall constitute a corps, and staff officers shall no longer, except by assignment, be attached to any particular military organization, or be held to duty at any post; that promotions in said corps shall be by selection, based upon capacity, merit and service, and no one shall be appointed in said corps, unless he has been two years, at least, in the military service during the war, or is over forty-five years of age, or is unfit for military service in the field.

SEC. 2. That the President is hereby authorized to assign all officers of the staff to such appropriate duties as he may think proper, except that he shall not assign them to commands in the line, unless in cases of emergency, and then only for a short time; and no officer shall be allowed to hold, at the same time, a commission or appointment in the staff and in the line.

SEC. 3. That the President is hereby authorized, upon the application of any general commanding an army in the field, to appoint, by and with the advice and consent of the Senate, or assign for duty with such general whilst so commanding, a general officer, who shall be charged, under the direction of the general, with the administration of his army; there shall also be allowed to a general, so commanding, two assistant adjutants-general, one chief quartermaster, one chief of ordnance, and one chief commissary, each with the rank, pay and allowances of a colonel of cavalry; a surgeon as medical director, with the pay and allowances of a colonel of cavalry; one aide-de-camp, with the rank, pay and allowances of a colonel of cavalry; and one aide-de-camp, with the rank, pay and allowances of a lieutenant-colonel of cavalry.

SEC. 4. That to a lieutenant-general commanding a *corps d'armée* shall be allowed, to be appointed by the President, with the advice and consent of the Senate, two assistant adjutants-general, with the rank, pay and allowances each of a colonel of cavalry; a chief of ordnance, a chief quartermaster, and a chief commissary, each with the rank, pay and allowances of a lieutenant-colonel of cavalry; he shall also be allowed one surgeon, as medical director, to be appointed by the President, with the advice and consent of the Senate, with the pay and allowances of a lieutenant-colonel of cavalry; and to be appointed as above, one aide-de-camp, with the rank, pay and allowances of a lieutenant-colonel of cavalry, and one aide-de-camp, with the rank, pay and allowances of a major of cavalry.

SEC. 5. That to a major-general commanding a division shall be allowed, to be appointed by the President, with the advice and consent of the Senate, two assistant adjutants-general, with the rank, pay and allowances each of a lieutenant-colonel of cavalry; one chief of ordnance, one chief quartermaster, and a chief commissary, each with the rank, pay and allowances of a major of cavalry; also a surgeon, with the pay and allowances of a major of cavalry; one aide-de-camp, with the rank, pay and allowances of a major of cavalry; and one aide-de-camp, with the rank, pay and allowances of a captain of cavalry.

SEC. 6. That to a brigadier-general commanding a brigade shall be allowed, to be appointed as hereinbefore directed, two assistant adjutants-general and one assistant inspector-general, with the rank, pay and allowances each of a major of cavalry; one surgeon, with the pay and allowances of a major of cavalry; one ordnance officer, with the rank, pay and allowances of a captain of cavalry; one aide-de-camp, with the rank, pay and allowances of a captain of cavalry; and one aide-de-camp, with the rank, pay and allowances of a first lieutenant of cavalry.

SEC. 7. That the President is hereby authorized to reduce the number of officers allowed by this act to the staff of any general officer, or to increase the same when, in his opinion, the service will be benefited thereby.

SEC. 8. That all appointments under this act shall be made from those already in service.

Approved June 14, 1864.

(24.)

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to organize military courts to attend the Army of the Confederate States in the field, and to define the powers of said courts,'" approved February thirteenth, eighteen hundred and sixty-four.

The Congress of the Confederate States of America do enact, That the proviso to said act, and also so much thereof as requires that the judge of the military court in North Alabama shall give ten days' notice of the times and places of holding said courts before the same are held, be, and the same are hereby, repealed.

Approved June 14, 1864.

(25.)

AN ACT to amend the laws relating to the commutation value of hospital rations.

The Congress of the Confederate States of America do enact, That the commutation value of rations of the sick and wounded officers and soldiers in hospitals or other places, used in camp or the field as hospitals, be fixed at the Government cost of said rations, and one hundred per centum thereon: *Provided*, That said one hundred per centum on the Government cost of each ration commuted shall constitute a hospital fund, and be drawn and appropriated as the Secretary of War shall deem necessary, to purchase supplies for the use of the sick and disabled of the Army in hospitals.

Approved June 14, 1864.

(26.)

AN ACT to promote the efficiency of the cavalry of the Provisional Army, and to punish lawlessness and irregularities of any portions thereof.

The Congress of the Confederate States of America do enact, That the commanding general of any army in the field shall have the power to direct the dismounting of any non-commissioned officer or officers, soldier or soldiers, in the cavalry service in his command, and to place him or them in the infantry, who shall misbehave before the enemy, or shall be guilty of illegally wasting, spoliating or appropriating to his own use any private property, or of doing any violence to any citizen.

SEC. 2. That the horses belonging to persons so dismounted, and which they may have had in the service, may be taken for the use of the Army, and the appraised value thereof shall be paid to the owner.

Approved June 7, 1864.

By order:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Tallahassee, June 17, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I desire respectfully to invite your attention to the copy of a letter * addressed by me to Major Cunningham, and one addressed by General William Bailey to myself. General Bailey is perhaps not only the wealthiest man in this State, but one of the most wealthy and patriotic and generous gentlemen in the Confederate States. In desiring his factory to be permitted to be under his exclusive control, I desire to accomplish important objects—to procure clothing for the families of soldiers and indigent persons; to afford the means of employment and support to many industrious but poor women in making up clothing for the troops, who will otherwise be unemployed and dependent on charity for a support, and to save the Confederate and State governments from paying unnecessarily high prices for the making of clothes for the troops. Clothing and shoes I can have furnished at least 50 per cent. cheaper than the C. S. agents are now procuring them. If these reasons are not sufficient I will rescind the contract with General Bailey, that there shall be no impediment to the agent of the Confederate States Government controlling this factory.

I have the honor to be, respectfully,

JOHN MILTON,
Governor of Florida.

[First indorsement.]

JULY 17, 1864.

QUARTERMASTER-GENERAL:

Cannot this factory be left to the execution of the contracts of the State, as well as to work for the Confederate Government, without serious prejudice to your arrangements? The spirit of the Governor's letter commends his wishes to favorable consideration.

J. A. S.,
Secretary.

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* Not found.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, July 25, 1864.

Respectfully returned to the Secretary of War.

The understanding of this department, received recently through Mr. Herring, is that this factory will be left by Major Cunningham to work as heretofore on account of the Commissary Bureau and the State of Florida.

A. R. LAWTON,
Quartermaster-General.

[Inclosure.]

TALLAHASSEE, *June 15, 1864.*

His Excellency JOHN MILTON,
Tallahassee, Fla.:

MY DEAR SIR: You were kind enough to write Major Cunningham a few days ago on the subject of my little factory, and I also request that you write to the Secretary of War on the same subject, for I do not think the Government ought to interfere with the factory. If the factories throughout the Confederacy had done what mine has there would have been no need of complaint; and as Your Excellency is not aware of all its benefits to the State and the Confederacy, I will here give you a little history of the factory from the time it was built by a company of men some ten or twelve years ago. After it had got to work it was managed rather badly, and there was little or no encouragement by the people of the country. In the course of five or six years' working it was known to be in debt about $20,000. The stockholders met and were about to close the concern. I disliked to see it stop, and made an offer to give a certain amount and pay the debts, which was readily acceded to by the balance of the company. I then carried it on myself by an agent, but at a loss, for two years before the war commenced, there being no sale for yarns or osnaburgs of consequence, as the merchants could buy yarns and osnaburgs cheaper in New York than I could make them for, and while buying other goods would lay in a supply of those goods, buy cotton, send it on and pay there. After the war commenced there has been a demand for more than the factory could do, but I was not disposed to take advantage, and have kept my prices down to a very low figure, barely enough, as the saying is, to make two ends meet. I have used the factory almost entirely for soldiers' families and for the poorer class of persons in the State, having sent by the bale to the most interior counties to be distributed by the county commissioners to the most needy of each county. There being no cotton cards in the country, it has been of great service to keep them in clothing, and have at all times supplied the Government officers with osnaburgs and thread at less than half what they would have had to pay elsewhere, and have also supplied Your Excellency with all the woolen goods the factory has made at very low rates for our soldiers in the field. The difference I think between prices I have sold at and the prices I might [have] sold for since the commencement of the war, I think, would amount to over $300,000; and besides this, I have always contributed liberally in money and other means, for from the act of secession I have felt it my duty to do all in my power to aid every branch of the Government, which I hope my course will show. I dislike to trouble any one so much, but hope you will pardon in this instance.

Very respectfully, Your Excellency's obedient servant,

WM. BAILEY.

RICHMOND, VA., *June 18, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: Your application for leave of absence is granted, and I sincerely hope the cause which induces you to ask it will be temporary.

Very truly, your friend,

JEFFERSON DAVIS.

GENERAL ORDERS, No. 54. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 18, 1864.*

I. The act of Congress providing for the establishment and payment of claims for a certain description of property, taken or informally impressed for the use of the Army, approved June 14, 1864, with accompanying instructions, are published for the information and instruction of all concerned.

AN ACT providing for the establishment and payment of claims for a certain description of property taken or informally impressed for the use of the Army.

The Congress of the Confederate States of America do enact, That it shall be the duty of the Secretary of War to appoint and assign, in each Congressional district and for each Territory, an agent, not liable to military duty in the field, who shall, at stated times, in each county or parish, under the direction of the post quartermaster nearest to him, receive and take proof, under oath, in relation to all claims in said district for forage, provisions, cattle, sheep, hogs, horses, mules, teams and wagons heretofore furnished to the Army by the owner, or heretofore taken or informally impressed for the use of the Army and not yet paid for, by any officer in the military service, or by his order or direction, express or implied, from the use of the property, whether said officer be a line or staff officer, and whether he be a bonded officer or otherwise, and report the facts and transmit the evidence in each case to the proper accounting officers of the Treasury, together with his opinion as to the justice and validity of the claim; and the said accounting officers are hereby authorized to audit and control and order payment of such claims as appear to them to be equitable and just: *Provided*, That all such claims originating west of the Mississippi River shall be reported to the accounting officers of the Treasury Department established for the Trans-Mississippi Department, who are hereby authorized to audit, control and direct payment of the same in the same manner as the accounting officers of the Treasury east of the Mississippi River. And the said agent is hereby authorized, in taking testimony in regard to said claims, to administer oaths to witnesses, and, if he think proper, to the claimants themselves. The compensation allowed to said agent shall be ten dollars per day while actually engaged in the performance of the duties imposed on him by this act, and thirty cents per mile for every mile actually traveled by him, to be paid under regulations to be prescribed by the Secretary of War: *Provided*, That the Secretary of War may assign to the duty herein mentioned any quartermaster or disabled officer of the Army; and, in that event, said officer or quartermaster shall, in addition to the compensation now allowed him by law, be entitled to mileage at the rate of forty cents per mile: *Provided, further*, That the Secretary of War may appoint and assign any non-commissioned officer or private to perform the duties under this act who may be unfit for active service in the field because of wounds received or disease contracted in said service, and the pay and allowances of such non-commissioned officer or private, when so appointed and assigned, shall be the same as are allowed to persons so appointed who may not be liable to military service.

SEC. 2. This act shall cease and determine on the first day of January, eighteen hundred and sixty-five, east of the Mississippi River, and on the first day of May, eighteen hundred and sixty-five, west of the Mississippi River; and all claims of the description aforesaid, not presented to the agent aforesaid prior to said dates at the respective places mentioned, shall not be entitled to the benefits of this act.

Approved June 14, 1864.

II. In every Congressional district there will be appointed an agent to perform the duties described in the preceding act of Congress, whose names will be announced in orders, and who, immediately

after notice thereof, will proceed to the fulfillment of the duties imposed in the same. He will hold one or more sessions in each county in his district, and give notice of the time and place of holding the same, and of the order of proceeding at, and the probable duration of the session. The operation of the act is limited to a specific time, and each agent is required to take measures for the full performance of its requirements, and for securing to every claimant an opportunity of presenting and proving his just claim.

III. Every claim under this act shall be presented in writing to the agent for the district in which the claimant resides, supported by his oath as to the justice of the same, and by the affidavit of one or more witnesses; and the claimant shall also state by whom his property was impressed or taken, and at what time, and for what purpose, and at what price, and shall produce any written evidence in his possession relative to the same; provided, if the claimant be dead, or be prevented by any cause from appearing before the agent, proof shall be submitted as to the fact, and the occasion therefor; and other proof of the claim may be taken. The exact value of the property must be proved, and no speculative or contingent damages or values are to be assessed.

IV. The agent shall, whenever it may be deemed expedient, examine the claimant and the witnesses orally upon the subject of the claim, and record their testimony.

V. The agents appointed under this act will take the testimony of the various officers of the Army who may have been concerned in the impressment or appropriation of any of the property in reference to which claims shall be made, and will ascertain by what authority the same was taken, for what purpose, and at what time; and moreover will make special inquiry as to the use which was made of the same, and inquire of all facts pertinent to the subject.

VI. Great care should be taken in the investigations to be made under this act to ascertain the justice and accuracy of any claim that may be preferred, and to prevent fraudulent or exaggerated claims from being allowed; and for that purpose all the circumstances connected with the impressment or appropriation or employment of property should be examined. The name, rank, and authority of the officer should be reported, and whatever else that may throw light upon the transaction.

VII. All the powers conferred by this act, and all the duties prescribed by the same, are devolved upon the agents appointed under it; and within the time limited in the act they will make their report to the Second Auditor of the Treasury.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 18, 1864.

General HOWELL COBB,
Macon, Ga.:

Governor Brown's exemption must be restricted to the terms of the law, which requires a certificate of the necessity of State officers only. See it.

J. A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 55. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, June 20, 1864.*

I. Under the act of Congress entitled an act to organize military courts, &c., approved June 14, 1864 (General Orders, No. 53—No. 22), military courts will, as soon as practicable, select and report to this office, for assignment as clerks and marshals of those courts, commissioned and non-commissioned officers and privates unable to perform duty in the field. With the report will be forwarded the evidence of the disability of the persons recommended.

II. Company, regimental, brigade, and division commanders will report to the general commanding the army or department any commissioned, non-commissioned officer or private in the cavalry service who misbehaves before the enemy, or who wastes or appropriates to his own use private property or who does violence to any citizen.

The general commanding will take action (under General Orders, No. 53—No. 26) upon the report, and forward his order in each case, with a statement of the facts, for the information of the Department.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 22. } CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, BUREAU OF CONSCRIPTION, *Richmond, Va., June 21, 1864.*

I. The status and functions of the "temporary boards" seem to be generally misapprehended by the officers of conscription and the public. The persons composing these boards are selected after their enrollment from the most reliable and intelligent citizens of each county between the ages of forty-five and fifty years. Their status is that of private soldiers who are detailed for the performance of the duties devolved upon them. These duties are simply to obtain the information for the enrolling officer that may be needed in the discharge of his duties, and, when required, to give him their written opinion. Their reports are made to him. They are not invested with any independent powers, but are merely charged with aiding the local enrolling officer in the mode prescribed in Circular No. 8, Bureau of Conscription, current series. The local and Congressional district enrolling officers are expressly required to supervise the action of these "boards," and will be vigilant to see that they faithfully perform their duties and to prevent their exercising any independent power or authority. The enrolling officer is charged by the circular aforesaid with the careful and thorough investigation of every case, and required to report the facts developed in the investigation. The organization of the "temporary boards" was not designed to relieve him of any part of this duty, but simply to aid him in its proper discharge. The Bureau will hold him strictly responsible for the action taken in every case.

II. The certificate to be furnished by the head of the department where details for contractors are applied for will be procured when the case is forwarded to this Bureau for final action, and need not be required by the enrolling officers as precedent to their action.

By command of Brig. Gen. J. S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

SALISBURY, N. C., *June 22, 1864.*

General BRAXTON BRAGG,
Richmond, Va.:

GENERAL: I have the honor to report that I reached Raleigh on the 16th instant, and at once entered upon the duty assigned me—the inspection of the conscription service in this State. My attention in that city was particularly directed to the organization of the office of the commandant of conscripts, the amount and dispatch of business passing through it, the organization of the reserve forces recently called out, and the camp of instruction near the town. Col. Peter Mallett is the commandant for the State. He is immediately assisted, as appears by the accompanying list, by four officers and nine clerks. Two of the latter are able-bodied conscripts. Lieutenant Parish has charge of the department of applications for detail and the orders consequent thereon. The act of Congress of February 17, by making the Government the custodian and director, to a large extent, of the agricultural and industrial interests of the country, has given immense expansion to this class of business. The applications for detail are almost as numerous as the persons enrolled. For many of these the office at Raleigh is only the channel of communication with the Bureau at Richmond, but it must always be ready to account for any petition. Hence an elaborate system of registration is rendered necessary. There are over 100 applications for detail or renewal of detail daily. They consist generally of a recital of the claim and circumstances of the party, a report upon the case by a board of citizens, and the indorsements of the county and district enrolling officers. It is the duty of Lieutenant Parish to examine each petition carefully and to make such indorsements for Colonel Mallett's signature as may be prescribed in cases covered by general rules. In cases of doubt the indorsement is dictated by the commandant. The papers are then to be recorded. Three clerks find constant employment in this work. One book contains the applications for agricultural details, another those based upon the ground of public necessity, and a third those of contractors, Government officers, &c. Three hundred and nine applications of the first class were made in the week ending June 18; 431 of the second class have been made since April 25; thirty of the third class since June 5. I do not think one officer can make these investigations with the patient care which is essential, and yet with the dispatch so necessary to a proper conduct of the office, and I am therefore inclined to agree with Colonel Mallett in the opinion that another should be assigned to have exclusive charge of agricultural details.

Besides investigating such applications going forward, Lieutenant Parish issues all orders, making the details when approved, and supervises the reports of detailed men required by law of railroad companies, and all other business specially relating to this class of persons. This officer seems well fitted for his work. Lieutenant Hardin distributes the mail matter as it arrives to the proper officers, issues all general instructions to enrolling officers and miscellaneous special orders, and performs the duties of adjutant of the post of Raleigh, of which Colonel Mallett is commandant. He seems to be kept busy all the time. Lieutenant Jones writes letters for the commandant, has his desk in the reception office, and disposes of all the verbal applications not requiring the attention of Colonel Mallett. He is also charged with the preparation of the regular returns and reports. There seemed to be sufficient work of this sort to keep him

constantly employed. Captain Cowper has charge of everything relating to the apprehension and return of deserters and other absentees without leave. Each application for the return of an absentee is recorded and then referred to the proper officer. When the paper comes back the final disposition of the man is noted in the record book. Some 7,000 such applications have been returned to commanding officers with the information required. I shall have occasion to call attention to the practical working of this system in my reports upon the district and county offices. A clerk has charge of all business relating to the detail or exemption of free negroes. Colonel Mallett's time is occupied with the supervision of these officers, the decision of the more difficult cases, the reception of numerous applicants in person, and the general direction of the conscription service in the State. I passed three days in his office in studying its organization and familiarizing myself with the kind and amount of business transacted. The various duties are judiciously distributed, the necessary records are kept, and the work appears to be faithfully and well done, though without much claim to clerical elegance. I have never seen bureau officers or clerks more steadily engaged, and yet in one department at least the business appeared to be largely behindhand. The improvements to be effected in this part of the service would appear to be these:

First. Such an increase of the staff in the commandant's office as will make it possible each day to dispose of all business accumulating the day before.

Second. The enforcement of a more rigid accountability upon district and county officers for the prompt return of all papers referred to them for investigation and opinion.

These beneficial changes, however, would be but little felt without corresponding dispatch in the Bureau of Conscription. My reports upon the district and county offices will show that a great length of time usually elapses between the forwarding of a petition for detail in the country and the reception of the final decision from Richmond. Part of this delay, but not all, is due to our imperfect means of communication. The generality of papers, I am inclined to think, in this branch of the service can be acted upon immediately by each successive officer, after passing through the county office, because they contain within themselves the data for a decision. This, then, is the point to be reached, and in my opinion the present system of conscription, with its vast and necessary complication of paper work, will never be in satisfactory operation till some tolerable approximation to it is gained.

The act of Congress creating the reserves was approved February 17, 1864. General Orders, No. 33, directing their enrollment, bears date March 15. Circular No. 8, of the Bureau, enforcing this order, is dated March 18. This circular was received in Raleigh on the 26th of March, and on the 28th Colonel Mallett issued orders thereupon to district officers. The notices issued by the latter, prescribing the days for enrollment in some of the districts, were as follows: Fifth (Raleigh) District: The notice is dated April 6 (a delay of more than a week), and fixes the first day of enrollment in one of the counties on April 18 and the last in another on June 30. Sixth (Greensborough) District: Notice dated April 6. First day of enrollment, May 2; last, June 20. Third (Goldsborough) District: Notice dated April 3. First day of enrollment, April 12; last, May 31. Tenth

(Asheville) District: Notice dated May 12. First day of enrollment, June 5; last, July 26. On April 11 Colonel Mallett directed that the reserves should be at once assembled at the county seats, enrolled, and organized. Subsequently it was determined to organize the two classes separately, and on May 10 district officers were ordered to assemble the Junior Reserves at district headquarters for immediate organization. On May 23, before this order could be executed, the commandant directed that this class should be sent immediately to the following rendezvous for organization: Second and Third Districts to Goldsborough; Fourth District to Wilmington; Fifth, Sixth, Seventh, and Eighth to Camp Holmes, Raleigh; Ninth District to Camp Vance, Morganton; Tenth District to Asheville. This was done, and the organization is now nearly complete. About 2,700 have been collected and formed into companies and battalions, and it is supposed the force will be increased to 3,000.

This brief sketch will perhaps illustrate some of the delays inseparable from the system of conscription and others which might have been avoided by greater diligence. The organization of the Senior Reserves is now going forward, and its progress will be indicated in my reports upon the district offices. A report of the inspection of Camp Holmes accompanies this communication.*

I am, general, very respectfully, your obedient servant,

ARCHER ANDERSON,
Lieutenant-Colonel and Assistant Adjutant-General.

[First indorsement.]

HDQRS. ASSISTANT COMMISSARY OF SUBSISTENCE,
August 14, 1864.

Respectfully referred to Adjutant-General for consideration of Honorable Secretary of War.

BRAXTON BRAGG,
General.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
August 17, 1864.

Respectfully submitted to the Secretary of War.

The delays within referred to, by which many valuable men are withheld from the ranks at critical periods, were referred to in my report of inspections made at Camp Lee and of enrolling officers in this city.

R. H. CHILTON,
Assistant Adjutant and Inspector General.

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*See June 16, p. 490.

[Inclosure.]

Name.	Rank.	Duties.	Regiment or corps.	Status.
P. Mallett	Colonel	Commandant	Commandant conscripts, North Carolina.	
P. Cowper	Captain	Deserter bureau	Enrolling officer	
Josiah Jones	First lieutenant	Acting assistant adjutant-general.	Drill-master	
S. M. Parish	do	In charge detail department.	do	
E. J. Hardin	Second lieutenant.	Adjutant	do	
J. C. Bellamy	Private	Clerk in charge letter books and indorsing, post, &c.	Conscript	Light duty.
A. B. Smith	do	Clerk detail department	do	Do.
C. W. Clay	do	do	do	Do.
—— Ellington	do	do	do	Do.
—— Paylor	do	do	do	Do.
L. S. Perry	do	Clerk letter file and copyist.	do	Do.
R. M. Oldridge	do	In charge of indorsement book, instruction book, and special orders from War Department.	do	Do.
J. H. Byam, jr.	do	Free negro department	do	Do.
Graham Daves	do	Clerk	do	

[JUNE 23, 1864.—For Chesnut to Davis, reporting progress in organizing reserve forces of South Carolina, see Series I, Vol. LIII, p. 344.]

CIRCULAR No. 23.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., June 24, 1864.

All white men from the State of Maryland between the ages of seventeen and fifty years, who are now "residents of the Confederate States," are, by virtue of the act of Congress "to organize forces to serve during the war," in the military service of the Confederate States for the war.

Commandants of conscripts will proceed to the immediate enrollment and examination of these persons in conformity with the provisions of Circular No. 8, Bureau of Conscription, current series.

Those between the ages of eighteen and forty-five, determined by the Board of Examination to be capable of performing active service in the field, will be forwarded to Camp Lee, near Richmond, for assignment to the Maryland Line, but those between the said ages found unfit for field duty, but capable of performing some of the duties named in the eighth section of the aforesaid act of Congress, will be assigned to those duties by the commandants of conscripts of the State in which they respectively reside.

Those between the ages of seventeen and eighteen and forty-five and fifty years will be disposed of by assignment or detail by the commandants of conscripts of the States in which they respectively reside, under sections five and eight of the aforesaid act of Congress and under Circular No. 20, Bureau of Conscription, current series.

An active and vigorous execution of this order is required.

By order of Brigadier-General Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

SOUTHERN DIVISION, MISSISSIPPI CENTRAL RAILROAD,
Grenada, June 24, 1864.

Maj. Gen. S. D. LEE, C. S. Army,
Meridian:

DEAR SIR: I did not receive your letter* of the 16th of this month until after I had written and forwarded another asking permission to send cotton to Marshall and De Soto Counties to exchange for bacon to feed the hands at work on this road, otherwise I should not have made the second request. It is certain that unless the Government is willing to grant me some facilities in obtaining necessary supplies for the repairs and operating the road, it is worse than useless for me to continue my efforts to keep the road in operation, and it would be far better to let the Government take it and do as it may seem best. The entire road is in an unsafe condition. I have not the means adequate for the necessary repairs, nor can I procure without Government aid, nor have I the necessary supplies to feed my hands but a few weeks more. When these are exhausted I must discontinue my trains and discharge my hands. There is no other alternative. Fifteen miles of the road has been materially damaged between this and Canton, twelve miles seriously. I cannot hire hands to repair it. I would cheerfully do so if I could. To the company the working of the road is rather an injury than a benefit, as the expenses and taxes will absorb all of its income. It remains for the Government to determine if the road is or will be useful to them or not. The difficulties in procuring the army supplies contracted for by me have been greatly increased since I entered into the engagement. I have spent no small amount of money and no little time in my efforts to comply with my contract. I have been disappointed in every way, and in no small degree by the price I was to pay for cotton when others were receiving it at one-third the price that I was to pay, thus enabling them to offer greater profits to those who would deliver the articles required, besides being permitted to send out cotton as they pleased, and always keeping themselves in funds, which I have found it always impossible to do. I have delivered some teams, wagons, &c., and could have delivered many more. To-day Major Paxton refused to take 100 mules on terms that I think he should have accepted, and of course I declined the purchase. I shall continue my efforts, but with faint hopes of success.

I wrote you some days since by Mr. Wang, whom I sent to New Orleans.

With respect, I remain your friend,

W. GOODMAN,
President.

CLINTON, LA., *June 24, 1864.*

Maj. Gen. STEPHEN D. LEE,
Enterprise:

MY DEAR SIR: You will pardon the liberty I am about to take with you. I am a stranger to you, but I plead the interest which we both have in our great cause as my excuse for addressing you. The trade between this section and Baton Rouge has been to a considerable extent revived. The usual effects have begun to follow. Our

* Not found.

currency has again greatly depreciated and our people become demoralized. There was no necessity, and there never was any, for this trade. The necessity urged in its behalf is that of food and clothing. It never existed. In the fall of 1862 the people in the county were making almost enough cloth to supply the demand. It was cloth of the best quality, such as any gentleman could wear. A large number of looms had been started and more were being put up. Everyone seemed willing to wear homespun, and nearly everyone did wear it. From the quantity of cloth in market I doubt not that in a short time the wants of the people would have been fully met. As soon as the trade was permitted with Baton Rouge the looms stopped and homespun went out of fashion. The cloth made in the county sold in our own currency at $5 per yard. People preferred going to Baton Rouge and giving $15. The disposition to traffic became a mania until a large portion of our people were entirely corrupted. Our currency fell as low as fifteen for one in Federal paper. On the arrival in this department of Col. J. S. Scott this trade was stopped. Our currency at once went up, and sold at five to one in Louisiana bills, which were then at a premium. Confidence was being re-established and the prices of everything came down. I have stated there was no necessity for the trade, so far as clothing was concerned, and I give you the above facts in proof of it, together with the certificate of J. M. Bell, postmaster at this place. There never was any necessity for the trade arising from a scarcity of provisions. The county could have supported itself. To my own knowledge there has been more meat in it than there ever had been during any two years of peace. The supply of corn and potatoes was most ample. To be sure, there was no flour, or coffee, or canvased hams, or sardines, all of which were bought out of Baton Rouge when the trade revived. In 1863, when the trade was fairly opened, the cry was a want of provisions. Since then we have had an addition to our army here of about 1,500 men, and I refer you to the statement of Captain Cammack, commissary, as to the manner in which the whole army is now supported. They live on the provisions raised in the county. The necessity for trading with the enemy has been in every instance fictitious and false. The consequences have been desertions, and if it is allowed to continue it will work the ruin of our people. It should be stopped at once, and I appeal to you, in the name of God and our country, to stop it at once. The order should be imperative and peremptory. No discretion should be allowed any officer here, because such are now the falsehood and fraud among the people that the best of officers, if allowed any discretion, will be deceived by their representations.

The State [Legislature] of Louisiana at its last session passed an act to purchase cotton cards for the people. Under this act an agent has been appointed, and a permit has been given to him to take into the enemy's lines 1,000 bales of cotton. I beg leave to call your attention to the working of this policy. Cotton is now selling in New Orleans at $1 per pound. Cotton cards, as they are now brought out, in sheets, sell at $1 per pair. Suppose we double the price and put them at $2 per pair. At the last general election in Louisiana there were polled about 43,000 votes. At present, New Orleans and the adjacent parishes being in the hands of the enemy, the actual voters in the State do not exceed 20,000. There are, therefore, about 20,000 families in the State needing cotton cards. These cards, at the prices above stated, would cost at an outside figure $40,000, and 1,000 bales of cotton, worth $400,000, are to go into the hands of the enemy,

ostensibly to pay for these cards. The case needs only to be stated. But this is not the worst of it. This cotton, as soon as it reaches New Orleans, is sold at public auction, and the Federal Government is always the highest bidder. The reason of this is that the Federal Government must have sterling in Europe to pay the interest upon its debts there.

From the statement above given you will perceive that the amount of cotton shipped under permit will immensely exceed the value of the articles needed by our people, and thus while attempting to relieve the wants of the Confederacy we are relieving the wants of our enemies in a tenfold greater degree. The remedy for this great evil is simple:

First. Let the goods needed be brought in and delivered to a military officer of our Government at prices agreed upon.

Second. Let an order then issue to one of our cotton agents for a sufficient number of bales of cotton to pay for these goods.

Third. Let the party who receives the cotton produce a receipt from the collector of customs that the export duty upon this cotton has been paid, and upon this showing let the military officer here grant a safe-conduct to the cotton. In this way no more cotton will go out than is needed for the articles received.

Permit me to say, in conclusion, that Col. J. S. Scott has given entire satisfaction to all loyal citizens in this section. He has done more in the short time he has been here to restore order and loyalty than all officers who had preceded him.

As I have not the honor of your personal acquaintance, you will pardon me for saying that I have been acting as receiver for Confederate States for the whole of Eastern and Southern Louisiana from the beginning of the war, and was lately district judge of this district. What I have written I believe to be true, and it is written with the purest of motives.

Believe me, very truly, your obedient servant,

JNO. McVEA.

RICHMOND, *June 24, 1864.*

Col. H. L. CLAY,

Assistant Adjutant-General, Richmond:

SIR: In reply to a letter I wrote to the Adjutant-General asking if Marylanders were entitled to their discharge at the expiration of their term of enlistment, you inclosed me the Secretary's decision as follows:

> The privilege of being transferred to the Maryland Line will be cheerfully given to these Marylanders. Thus an opportunity will be given them to voluntarily enlist with companies for the redemption of their State. In other respects they surely ought not to complain that they are not on a footing with all other citizens or residents. The law is plain as to residents, and it must be admitted that they are residents of the Confederacy for an indefinite period; that is, for the war, at least.

On the 16th instant I called at the office of the Adjutant-General and told you of the object of my visit; that I was in receipt of communications by mail and telegram from the very class of Marylanders referred to in the decision of the Honorable Secretary quoted—men who had left Baltimore to defend Charleston in the spring of 1861, whose terms of service had expired, and who had applied to be transferred to the Maryland Line in conformity to General Orders, No. 38, from the War Department, and who complained in the communica-

tion referred to that their transfers, though sent on more than two months before, had not been granted. At your suggestion I addressed a note to the Honorable Secretary on the subject, respectfully asking to be informed if the order referred to (No. 38) had been suspended as far as Charleston was concerned. I was prompted to this inquiry by the fact of General Lee's having requested me to suspend my efforts to withdraw Marylanders from his army to the Maryland camps till the present campaign was ended, which request I of course promptly complied with, fully acquiescing in its wisdom. This will, I presume, account for a fact to which you adverted in our brief interview—the limited number of men at General Elzey's camp.

It is fair to assume that had General Lee not have thought that Marylanders in his army were in sufficient force to constitute a power, he would scarcely have considered it a matter of consequence if they did or did not continue in the Virginia and other State organizations in which they were serving, and to which their members were credited as citizens of those States. Supposing that a corresponding exigency might exist making it a matter of importance to detain the Marylanders, entitled to transfer as stated, temporarily at Charleston, I had purposed, if my inference proved by the Secretary's reply to be correct, to appeal to the men who were complaining to me, asking them to continue their devotion to their flag in spite of their disappointment till the exigency had expired. My letter referred to was sent to the Department on the 16th instant, and when I tell you that it was under no less a prompting than the expressed wishes of General Lee, and with the cordial approval and indorsement of His Excellency the President, that I embarked in the effort to rally my countrymen, and that I have expended some thousands of dollars, private means, in the effort to accomplish that object, I think that you will admit that my request to be furnished with the information asked, for the use stated, was neither improper nor unreasonable; yet to this day my communication remains unnoticed. Self-respect would have impelled me to drop the matter here, for I don't choose to be considered as troublesome to any of your bureaus, but for another letter received from Charleston yesterday, making representations which, if true (and I see no reason to discredit them), are of so extraordinary a character, and so at variance with what I know to have been the purposes of His Excellency the President, that I am utterly at a loss to account for them.

When I visited Charleston in April last (which I did by request of the Maryland officers and other gentlemen of that State, and at the urgent entreaty of the men there who wrote to me to visit them) I had a frank and full conversation and understanding on the subject with General Beauregard, who acknowledged the justice of the President's purpose in authorizing the organization of the Marylanders into one body, and also conferred with General Ripley on the subject, both of whom bore testimony to the bravery and devotion of these men to the South, and General Ripley informed me, if I am right in my recollection, that a board of officers convened for the purpose had decided that these men were entitled to their discharge, they having served out their full term of enlistment and had sent their decision to the War Department. General Beauregard told me frankly that under the Order No. 38 he considered all the Marylanders in his department entitled to transfer to the Maryland Line, and an officer was selected of his command, and with his consent, to make that decision known to them, and with the knowledge and full consent of General Beauregard I visited the Marylanders who were under arrest

for demanding their discharge, and at my instance they resumed their duty with the promise that they should be transferred to the Maryland Line. What makes this case more remarkable and seemingly harder is the fact that at the beginning of our troubles, when the Charleston people first apprehended conflict in February, 1861, an appeal was made to Maryland in her behalf, and her officers visited Baltimore to get volunteers for the defense of that city. These were the men who with others to the number of some 500 or 600, as I learned—many of whose remains now lie buried in the defenses about that city—first responded to that appeal, and history will tell how bravely they did their duty, and they don't ask (decimated though their numbers be) to quit the service, but to be dealt with fairly in accordance with the wishes and purposes of the President, to be allowed to fight side by side with the men of their own State—a privilege secured to citizens of all the States having a Congressional representation and intended by law to be accorded to Marylanders.

In writing thus plainly I desire you to understand that it is in no spirit of captiousness, still less with purpose of disrespect to the Honorable Secretary or any of the agents of the Department, and I may safely say from no selfish purpose of any kind. I know that I am above any imputation of that sort in the estimation of all high-minded men of Maryland who hold the honor of their State in due estimation, and hence feel that I can afford to speak with frankness on the affairs of that State.

In appointing General Elzey to command the Maryland Line, I think I know that it was done to put at rest a point that has been a constant bone of contention among aspiring emigrants from that State, and interfered very considerably with the organization and usefulness of the Maryland people. Notwithstanding the appointment of General Elzey, the name of another officer has appeared almost daily in the Richmond press signed officially as the "Commanding officer of the Maryland Line," which has served to create a feeling of distrust as to the future of that organization.

And I deem it proper also to advert to a fact that may or may not be within your knowledge—that an enlisted man has been detailed from Colonel Johnson's command to the Department and placed in charge of applications for transfer to Camp Howard, and that applications made at the same time and from the same regiments for transfer to the camps (Howard and Maryland) have in the cases of those for Camp Howard been promptly granted, whilst those wishing to go to Camp Maryland are unnoticed. Such I am sure you will agree with me was no part of the purpose of the President, and hence I conclude that there is some influence actively at work to defeat the proper organization of the Maryland Line.

I am, very respectfully, your obedient servant,

GEO. P. KANE.

P. S.—I inclose for your information a copy of my last letter from Charleston referred to.

G. P. K.

[Inclosure.]

SULLIVAN'S ISLAND, S. C., *June 18, 1864.*

Col. GEORGE P. KANE:

SIR: We received your very kind letter, through Lieutenant Reveley, and were satisfied we would get our transfer to Virginia in a few days, but our hopes now are all vanquished. We have been transferred from the city to this island, and here our adjutant presented a writing to

us to sign to the effect that we did not desire a transfer, but wished to remain here. Not one in our regiment signed it, but he told some of us that we need not expect a transfer, and he would do all that was in his power to stop us from going. General Jones sent his assistant adjutant-general to see us about it. He did not see one of us in this regiment, but went to two Dutchmen in the infantry band, and another man belonging to the infantry, formerly from Washington City, who agreed to remain here. General Ripley now says that there are no more Marylanders to be sent on, and there are only a few Irish and Dutch who are dissatisfied and want to leave here. Captain Feilden, General Jones' assistant adjutant-general, did not consult one of us, and we are satisfied now that it is the officers in command here who are determined to do all in their power to keep us from going and defeat the orders of the Government. We are very much dissatisfied here, and since making the application for transfer we are treated very indifferently by the officers in command. We appeal to you, sir, to use your influence to the utmost, as we are afraid they will defeat us from getting off. There are between twenty and thirty of us on this island who are very anxious to get among our friends and relations in the old Maryland Line, and all the bounty which they are offering, and persuasion they are offering, cannot induce us to stay here with them. Our best wishes for your welfare and happiness.

Very respectfully,

JOHN E. CHAMBERS,
RICHARD BRISCOE,
THOMAS KANE,
WILLIAM HELMSLEY,
MICHAEL DONAHOE,
First Regiment South Carolina Artillery,
Company D, Captain McM. King.

[JUNE 24, 1864.—For Seddon to Bonham, in regard to the reserve forces of South Carolina remaining at home, see Series I, Vol. XXXV, Part II, p. 539.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 25, 1864.

Maj. Gen. S. D. LEE,
Meridian, Miss.:

GENERAL: I am much interested that the cotton held by the Treasury Department, in small lots, contiguous to the railroads, or navigable streams in Mississippi and Alabama, or in exposed positions, should be transported to Mobile, from whence it may be shipped for Government account, or to some place where it may be put in order with new bagging and rope. You will therefore please direct all officers within your command to afford to the Treasury agents all possible facilities of transportation. Now that the crops are laid by, there will be less difficulty in procuring necessary labor and teams. The preservation of all the Government cotton scattered through these States is of the utmost importance, and I desire you to render to the Treasury agents all the facilities and assistance you can.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

[JUNE 25, 1864.—For Allen to Seddon, in relation to three battalions of mounted men authorized by the Legislature of Louisiana for service as conservators of the peace, see Series I, Vol. LIII, p. 1003.]

GRENADA, *June 26, 1864.*

Maj. Gen. S. D. LEE, C. S. Army,
Meridian:

MY DEAR SIR: Recently I have had occasion to trouble you about many things. I regret that it was my seeming duty to do so. I do not know if it is the wish of the Government authorities to have the Central road kept in repair or not. If it has such a desire they must aid now in obtaining tools, materials, provisions, and labor. I dislike asking for aid, and do not do so except from necessity. I have asked permission to send cotton into the northern counties to exchange for bacon, believing it to be better than to ask the Government to sell it to me. I have also asked to exchange cotton for tools and materials. It is not probable that more than fifty or sixty bales would be required to be sent forward to supply our present necessities. If these are denied me, then I shall have to request you to direct the commissaries to sell me provisions (bacon) for our hands. But why deny the road what is done by individuals almost daily, and, as is generally believed, by army officers located at this place and north of here? There is probably no proof that army officers here are interested in contracts and shipment of cotton, yet there is not an intelligent person in the community who does not believe it from circumstances of almost daily occurrence. If they labor to supply the Army it is well, but if for their own profit it is more to be condemned than if done by a private person.

I wrote to you some days since by Mr. Wang in reference to a proposition from New Orleans, and took occasion then to refer to some of the causes that had prevented my compliance with the agreement I made with you. Those causes are as prominent and as evident to-day as when I then wrote. I have spared no exertions or expense to comply with my contract, and shall not relax my exertions until you request me to do so. I made the contract in good faith, and more to serve our cause than profit. I will endeavor to comply with it.

I see others sending cotton into the Federal lines almost daily. What they bring back I do not know. Doubtless you do. Orders from Federal military commanders have for several weeks prevented me from doing anything. These orders, as I now understand, have been changed. Perhaps some supplies may now be obtained. I confess I have been less successful than I thought I should be. A few days since I offered to supply Major Paxton from 100 to 200 mules at from $150 to $200 each, and receive pay in cotton at 12½ cents, the price, as I was informed, that he sold to others for the same articles; 100 mules were ready for delivery. He declined my offer, doubtless for good reasons, and seemed to expect [me] to deliver mules and take pay in cotton at 35 cents, my contract price. This I shall not attempt to do when he pays others in cotton at a much less price. I am no blockade-runner, and will not knowingly violate civil law or military orders for gain. Others may and are doing so. I have thought you were entitled to some explanation as to the cause of my failure. I could give many others than those referred [to], but they would be founded on belief only.

With respect, your obedient servant,

W. GOODMAN.

CIRCULAR No. 24.

CONFEDERATE STATES OF AMERICA,
WAR DEPT., BUREAU OF CONSCRIPTION,
Richmond, Va., June 27, 1864.

The following communication has been received from the War Department relative to the act of Congress, No. 13, approved June 7, 1864, and published in General Orders, No. 53, Adjutant and Inspector General's Office, current series, and entitled "An act to amend so much of an act entitled 'An act to organize forces to serve during the war,'" approved February 17, 1864, as relates to the exemption of certain religious denominations:

BUREAU OF CONSCRIPTION:

The attention of the Bureau is called to the act of Congress, approved June 7, 1864, and entitled an act to amend so much of an act to organize forces to serve during the war, approved February 17, 1864, as relates to the exemption of certain religious denominations. This act is published in Orders, No. 53 (No. 13).

The privilege conferred by the act extends to all persons who belonged to the religious denominations mentioned in the act of October, 1862, at the date of that act, and who are now liable to conscription under the act of February, 1862.

The testimony required by the General Orders, No. 82, will be sufficient to ascertain the claim of the applicant for exemption, and the same course of proceeding as to the payment of the tax can be adopted under this act as was used under the act of October referred to. It is understood that a large addition has been made to these denominations since the enactment of October, 1862, from families not previously connected with them. This has been a cause for distrust and probably led to the adoption of the precise language of the act.

The Department has exercised a liberal indulgence in favor of those who held or were supposed to hold conscientious scruples upon the subject of bearing arms, but there is no reason for affording any countenance to efforts to avoid the performance of public duty by hypocritical pretenses of a religious belief, which has no root in the conscience or influence upon the conduct.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

The attention of the officers of conscription is specially directed to the foregoing communication from the Department as furnishing the rules and principles by which they will be guided in dealing with persons within military age who are members of the religious denominations referred to in the said act.

II. The sale to the Government or to the families of soldiers at prices fixed by the commissioners of the State under the impressment act of the marketable surplus remaining after furnishing the Government with the stipulated quantity of provisions and which he may raise from year to year, while his exemption continues, is made by the act of Congress approved February 17, 1864, one of the conditions of exemption allowed to an overseer or agriculturist. A claim is asserted by some of those exempted as agriculturists to exchange such part of the aforesaid surplus as they may please for supplies of provisions, clothing, and the like, to be consumed in family use, and to sell to the Government or the families of soldiers only what may remain of such surplus after making said exchanges.

This claim is in violation of law and of their contract with the Government and cannot be allowed.

Upon satisfactory evidence being furnished that persons exempted as overseers or agriculturists have or are thus disposing of their surplus productions by exchange as aforesaid, enrolling officers will arrest all such persons, forward them to their nearest camps of instruction, to be retained there until final action shall be taken and announced in their cases, and forward through the proper channels

of communication to this Bureau a report of all the facts and circumstances of each case.

Every agriculturist or overseer upon receiving his certificate of exemption should be informed that the action indicated above will be taken in the event of his not disposing of his marketable surplus in accordance with the requirements of law.

By command of Brig. Gen. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 27, 1864.

Maj. Gen. HOWELL COBB,
Macon, Ga.:

GENERAL: At the late session of Congress a law was passed requiring the appointment of a commissioner for each Congressional district to receive and take proof in relation to claims for property informally impressed for the use of the Army and not yet paid for. These positions should be filled by persons of well established character for loyalty and justice. In the adjustment of such claims all the feelings would be enlisted against the Government and in favor of the claimants, and the appointees should possess sufficient firmness to resist their sympathies and deal equitably with both the individual and the Government. I am desirous of making these appointments as early as possible and shall be pleased to receive from you any suggestions which will aid me in selecting suitable persons in Georgia.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., June 27, 1864.

Surg. S. E. CHAILLÉ,
Ocmulgee Hospital, Macon, Ga.:

SIR: I am in receipt of your communication of the 11th instant, and in reply have to state for your information that the Secretary of War authorizes payment for negroes at the rate of $400 per annum, considering that sum not more than equal to $300 with clothing. You cannot allow owners of negroes to draw the commutation for their rations, they agreeing to feed them. Such policy would result in the negroes stealing supplies from the hospitals; and besides, General Orders, No. 25, require surgeons in charge to draw this commutation and expend it. If, with the additional $100 allowed, negroes cannot be retained with their owners' consent, they must be impressed into service.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

[JUNE 27, 1864.—For S. D. Lee to Davis, requesting that certain reserve forces in Mississippi, Alabama, and East Louisiana be called into active service, and indorsements thereon, see Series I, Vol. LII, Part II, p. 679.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., June 29, 1864.

General S. D. LEE,
Meridian, Miss.:

Experience of the mischiefs resulting in many ways from authority to raise new organizations within the enemy's lines, concurring with the President's fixed opinion, constrains me to withhold the authority you ask in your telegram of 25th.* Every effort should be made to conscribe and assign to old organizations men of military age whenever accessible.

J. A. SEDDON,
Secretary of War.

RICHMOND, VA., *June 29, 1864.*

Col. GEORGE B. HODGE:
(Care of H. R. Davis, Woodville, Miss.)

Abuses are said to exist in relation to trade in cotton, involving the public property and Government officers. Make investigation in regard to it in the region of your inspection.

JEFFERSON DAVIS.

[JUNE 29, 1864.—For Anderson to Bragg, in relation to the organization and employment of Florida reserves, see Series I, Vol. LIII, p. 345.]

GENERAL ORDERS, No. 57. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, June 30, 1864.

I. Persons between eighteen and forty-five years of age will not be permitted to hold office in the reserve forces unless they are physically unfit for active duty or permanently exempt from field duty.

II. Staff officers for the reserve forces will be appointed from that class, or assigned from the lists of retired or supernumerary officers.

III. Men detailed from the Army will constitute a portion of the reserve forces at the posts where they are serving, and will do duty with them when the reserves are called into active service.

IV. The appropriation made by the act of Congress approved February 17, 1864, for the pay of officers, non-commissioned officers, privates, and clerks, including current and extraordinary expenses, in the conscription service, will be drawn from the Treasury upon requisitions in the usual form, made by the superintendent of the Bureau of Conscription in favor of such bonded officers as may be designated by him.

V. Funds will be placed in the hands of such quartermasters attached to the conscript service in each State as may be deemed

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*Not found.

expedient by the superintendent of the Bureau of Conscription, and will be disbursed upon similar vouchers, and, as near as may be, according to the forms and regulations prescribed for the Quartermaster's Department. All returns, vouchers, reports, accounts current, abstracts, and summary statements connected with the disbursement of these funds will be forwarded to the Bureau of Conscription at the stated periods and in the manner and form prescribed by the general regulations of the Quartermaster's Department.

VI. All accounts for pay of officers, clerks, and employés, and for current and extraordinary expenses of the conscription service, will be paid only upon the order or approval of the commandant of conscripts for the State wherein such accounts and expenses may be incurred, or upon the order or approval of the superintendent of the Bureau of Conscription.

VII. The compensation and commutation or other allowances of officers, non-commissioned officers, and privates of the Army who may be detailed for service under the orders of the Bureau of Conscription will be paid, as heretofore, by quartermasters, out of the appropriation for pay of the Army and the service of the Quartermaster's Department.

VIII. The superintendent of the Bureau of Conscription will establish such additional special regulations as he may deem necessary for the instruction and control of disbursing and other officers of the conscript service in the disbursement of the appropriation for that service.

IX. When a command is ordered away or separated from the commissary of subsistence under whom a hospital fund has accrued, he will turn over the fund to the commissary or acting commissary of such command.

X. Paragraph VIII, General Orders, No. 125, 1863, is hereby revoked. Commanding officers of regiments, battalions, &c., will cause to be made out on the 1st and 15th of each month a roll of all deserters and absentees from their commands and forward the same, through the proper channels, to Brig. Gen. John S. Preston, superintendent of the Bureau of Conscription. The roll will embrace the company and regiment to which the deserter or absentee belongs, the county in which he resides, where it is supposed he may be found, and such other information as may lead to his prompt arrest. This order will not apply to commands in the Trans-Mississippi Department.

XI. The reserve forces of the several States are under the permanent direction and control of the general officers respectively assigned to their command by the President. Department, district, and other commanders of the active forces may have, for the time being, the direction of the military movements of such reserve forces as may be turned over to their command for service, but are forbidden to disband those forces, or otherwise interfere with any matters pertaining to their permanent organization, except with the concurrence of the general commanding the reserves of a State.

XII. When no longer required for service with the active forces the reserve troops will be immediately turned over to the commander of reserves for the State.

XIII. General officers commanding reserves for the several States will be held responsible in all matters relating to the efficiency and permanent organization of their commands.

XIV. Leaves of absence and furloughs will not be granted to reserve troops, except by the general commanding the reserves for the States

to which they belong, or in accordance with regulations prescribed in his orders; but leaves of absence and furloughs will not be granted to reserve forces serving in the field if, in the judgment of department commanders, it be incompatible with the public safety to grant them.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 25.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., June 30, 1864.

Commandants of conscripts will forthwith communicate to enrolling officers these instructions, made by order of the Secretary of War:

In the class of reserves enrolling officers will under no circumstances receive applications for or grant details until after the organization of the companies and the transmission of the rolls to the general commanding the reserves, and then only under instructions from said generals commanding.

By a decision of the Secretary of War the jurisdiction of the conscript authorities over the classes of reserves extends simply and exclusively to granting exemptions prescribed by the act of Congress entitled "An act to organize forces to serve during the war."

These exemptions are provided for in the tenth section of said act, but there shall be excluded from these exemptions thus authorized to be granted in the reserve classes all contained in the last clause of the fourth paragraph of said section from the words "in addition to the foregoing exemptions" to the conclusion of said fourth paragraph.

Except as herein specified, in all matters pertaining to the reserve classes enrolling officers, by order of the Secretary of War, are to obey the orders of generals commanding reserves, but no enrolling officer, under any plea, will be held to be excused from the full performance of his regular duties prescribed by and under the orders of this Bureau, and no assertion that duties under orders of the general commanding reserves have prevented the due performance of other duties will be accepted by this Bureau. The Secretary of War has directed all details heretofore granted inconsistent with these instructions will be promptly revoked and the men placed on the company rolls.

Paragraph XIV of Circular No. 8, Bureau of Conscription, current series, is hereby revoked.

By command of Brig. Gen. J. S. Preston:

C. B. DUFFIELD,
Assistant Adjutant-General.

[JUNE —, 1864.—For Claybrook, Straughan, and Brent to Davis, soliciting the exemption of Northumberland County, Va., from further conscription on condition of serving in companies for home defense, and indorsements thereon, see Series I, Vol. XL, Part II, p. 704.]

Consolidated abstract from returns of the Confederate Army on or about June 30, 1864.

[Compiled from such returns as are on file in the War Department.]

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.	Date of return.
	Officers.	Men.			
Army of Northern Virginia *a* (Lee)	4,261	51,069	66,141	101,464	June 30,1864.
Department of Western Virginia and East Tennessee (Morgan).	.....	2,922	3,359	5,199	Aug. 1, 1864.
Department of Richmond (Ewell)	358	5,784	7,179	9,190	June 20,1864.
Department of North Carolina and Southern Virginia *b* (Beauregard).	.....	.....	.....	.....	
Valley District *c* (Early)	.....	.....	.....	.....	
Department of South Carolina, Georgia, and Florida (Jones).	704	11,114	14,278	18,383	June 30,1864.
Army of Tennessee *d* (Johnston)	6,066	56,681	77,441	137,992	June 30,1864.
Department of Alabama, Mississippi, and East Louisiana (S. D. Lee).	1,168	13,212	16,685	29,823	June 30,1864.
District of the Gulf (Maury)	296	3,905	4,984	7,305	June 30,1864.
District of Western North Carolina (Palmer)	66	800	1,017	1,612	July 1, 1864.
Trans-Mississippi Department *e* (E. K. Smith)	191	2,931	3,680	4,879	June 30,1864.
Total	13,110	148,418	194,764	315,847	

a Including the Department of North Carolina and Southern Virginia, but exclusive of the Second Army Corps (Early), temporarily detached, and Dearing's brigade of cavalry, not reported.

b Included in the Army of Northern Virginia.

c No returns of an approximate date.

d Exclusive of the Georgia State troops under G. W. Smith, for which there are no returns.

e Embraces only the returns of the First and Second Sub-Districts of Texas (Hawes and Bates commanding, respectively). There are no complete returns of the department on file between January 1, 1864, and September 30, 1864. The return for the latter date is, however, unintelligibly prepared, and the usual form of abstract cannot, therefore, be compiled. It shows a "total enlisted present" of 45,927; "aggregate present," 52,867; "aggregate present and absent," 76,834.

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,
Richmond, July 1, 1864.

The PRESIDENT:

SIR: I deem it proper to bring to your notice the inclosed statements of the several officers in charge of naval ordnance works, disclosing as they do an evil from which serious embarrassments to the public interests are suffered.

The letters inclosed show that much of the machinery and power of these valuable establishments are lost to the Government for the want of a few mechanics who are in the field and who, from time to time, have been asked for. The Selma works cannot make more than one gun in a week, whereas with a proper number of mechanics it could manufacture, with carriages and equipments complete, three in a week, and in a few months one every day; and not only our vessels at Mobile, but all the land works for its defense, could be supplied with heavy banded and rifled ordnance. It has sufficient tools and power to furnish all the shot and shell for the Navy, whereas it has not been able to supply them for the few guns it has made.

Lieutenant McCorkle, at Atlanta, reports that he cannot fill even the limited orders sent him for munitions of war for the want of mechanics.

Chief Engineer Ramsay, at Charlotte, says that "a number of the most important tools of the shops are idle a large portion of the time for the want of mechanics to work them." He refers also to his inability, without mechanics, to do the work required of him on locomo-

tive engines for railroads, and says that though working at night and on Sunday he cannot fill the orders sent him for munitions of war.

These reports possess special interest at this time, when we are informed by the proprietors of the Tredegar Works that they cannot furnish us with gun-iron, the Grace furnace having been destroyed by the enemy.

The weight of the guns now employed in our land works renders their removal upon the withdrawal of troops impracticable; and should we be compelled to retire from Richmond the largest portion of such guns in the Confederacy would necessarily be lost. These considerations suggest the importance of having a supply of such guns distributed at many points. There is not a spare one in the Confederacy.

The reports of the enemy's naval officers commanding iron-clad ships concur with the results of our own experiments in showing that the heavy navy rifles are the most effective ordnance yet used against those vessels. Their range and accuracy are very satisfactory; and, while some of them have been fired without visible strain from 500 to 1,500 times in conflict, none of them have burst when properly handled. In establishing the battery at Howlett's recently we were compelled to remove one VII-inch rifle from Drewry's Bluff—the only one at that point—and one from the gun-boat Drewry; and the gun which was dismounted in this battery by the enemy still remains unbanded for the want of mechanics to do the work.

Under these circumstances I have the honor to suggest that a board of army and navy officers be directed to ascertain and report the number and class of mechanics required to develop the full power of the public shops employed upon munitions of war, and that details to meet these demands be made from conscript camps or the Army.

With great respect, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

[Inclosure No. 1.]

COMMANDANT'S OFFICE, NAVAL STATION,
Charlotte, N. C., May 5, 1864.

Commander JOHN M. BROOKE,
Chief Bureau Ordnance and Hydrography, Richmond, Va.:

SIR: In answer to your letter of the 2d instant, directing me to inform you more clearly of the necessity of detailing additional mechanics to be employed in these works, I have to state that a number of our most important tools are idle a large portion of the time for the want of mechanics to work them, and some of these tools, the steam hammer for instance, are the only tools of their class in the Confederacy, and many of the large forgings required in the building and arming of war vessels can only be made with the assistance of these tools.

In addition to this there are now six locomotives on the railroads between Wilmington and Richmond thrown out of use owing to their crank axles having been broken, and new axles can only be forged at this establishment. The Secretary of the Navy has ordered this work to be done here, as the locomotives are greatly needed to transport supplies to the Army and Navy, but it is impossible to make any considerable headway on them, as our present force is inadequate to manufacture projectiles, gun carriages, &c., for arming vessels as

fast as they are required. At this time we are working at night and on Sundays and still are not able to fill orders for munitions of war as is desired.

I understand from you that the iron-clad Virginia at Richmond is now in readiness for action except her gun carriages and wrought-iron projectiles, which are being made at these works. If we had a full force of mechanics this work would have been finished in one-half the time.

The following is a list of the additional mechanics required to give employment to the tools, forges, and furnaces now in operation:

Seven machinists, eight blacksmiths, eight gun-carriage makers, two blockmakers, one pattern maker, one coppersmith, two molders.

Very respectfully, your obedient servant,

H. ASHTON RAMSAY,
Chief Engineer, C. S. Navy, in Charge.

[Inclosure No. 2.]

NAVAL ORDNANCE WORKS,
Atlanta, May 7, 1864.

Capt. J. M. BROOKE, C. S. Navy,
Chief of Ordnance and Hydrography,
Navy Department, Richmond, Va.:

SIR: In reply to your letter of the 2d instant I would state that there are employed at these works at present three molders, four machinists, and one blacksmith, exclusive of the foreman. I require, to perform ordinary work, nine molders, five blacksmiths, and eleven machinists. I have been prevented from manufacturing munitions of war (enough to supply orders) by the want of mechanics. At one time last year I had no lumber for shell boxes, and the commander of the camp of instruction in this district refused to detail a sawyer who owned a mill on the ground that the man wished to get out of the Army by obtaining a contract.

I have been for four months unable to have forged the wrought-iron bolts for the Brooke gun for the want of blacksmiths. Major-General Maury detailed a second-rate blacksmith to me, but revoked the order two weeks ago, remanding him to his regiment, although wrought-iron bolts will be an important item in the defense of Mobile. Nearly all the lathes are idle for want of hands. The officers do not seem to be aware that each rifle shell has to be turned in a lathe.

I have asked for details until I am tired; and even those conscripts who are unwillingly detailed to the works are accompanied by so many orders and so many papers (the orders are changed once a week) that a clerk is constantly employed to try and keep their papers correct.

It would appear that officers employed in manufacturing ordnance are not deemed patriotic by the Conscript Bureau, as they seem to think that an officer who asks for the detail of a man to do Government work is doing something wrong. They require so many descriptive lists of him, so many certificates, that it is absolutely appalling. I think with the additional number of mechanics mentioned above, detailed for the war, I could prepare six times (or more) as much ammunition and ordnance stores as I do now.

Very respectfully, your obedient servant,

D. P. McCORKLE,
Lieutenant, Commanding Naval Ordnance Works.

[Inclosure No. 3.]

SELMA CANNON FOUNDRY,
May 8, 1864.

Commander JOHN M. BROOKE, C. S. Navy,
In Charge, &c., Richmond, Va.:

SIR: Our facilities for completing guns have been lately much increased by improvements in the machinery for boring and turning the guns and bands. But these improvements will not benefit us if our blacksmith force is not increased. We want more good blacksmiths for heavy forging. We now do not average more bands than for one gun a week. If the bands could be forged elsewhere it would assist.

Very respectfully,

CATESBY AP R. JONES,
Commandant.

[Inclosure No. 4.]

NAVAL GUN FOUNDRY AND ORDNANCE WORKS,
Selma, May 14, 1864.

Commander J. M. BROOKE,
Office of Ordnance and Hydrography, Richmond, Va.:

SIR: Yours of the 2d instant in relation to the number of mechanics needed for these works has been received. I have repeatedly called the attention of the Department to this subject. Had my applications for mechanics been granted the rolling-mill would have been in operation last fall and it would have rolled iron enough for all our vessels, and we would also have cast guns for all their batteries and furnished them to the fortifications. The rolling-mill is not yet in operation. We now cannot turn out more than one gun a week, but with a proper number of mechanics could turn out three a week, and in a few months one a day. We have not been able to furnish shot and shell for the guns we have made. We ought to supply the whole Navy.

In addition to our present force we could employ with great advantage to the Government twenty-five molders, twenty-five machinists, and twenty blacksmiths, and if the works are to be increased, forty carpenters and masons.

Very respectfully,

CATESBY AP R. JONES,
Commandant.

CIRCULAR.] ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., July 1, 1864.

The act of Congress approved February 17, 1864, and incorporated in General Orders, No. 26, current series, declares that the duties of provost and hospital guards and clerks, of clerks, guards, agents, employés, or laborers in the Commissary, Quartermaster's, and Ordnance Departments shall be performed by persons within eighteen and forty-five years of age who are reported, by a board of army surgeons, unable to perform active duty in the field; and when that class shall have been exhausted, by those between forty-five and fifty years. General orders enjoin upon officers the observance of this law, and allow details of able-bodied men to continue until the 10th of April,

1864, when the head of any department or the chief of any bureau, or the principal officer of the same in any State, shall certify them to be necessary for that time to carry on the business in which they are employed.

Subsequently the Secretary of War issued the following instructions:

That the chief of the department should certify:

First. That the detail is indispensably necessary for the business for which it is asked.

Second. That diligent effort has been made to obtain the services of a person not liable to military service in the field, and that such effort will be continued.

Third. And furnish a descriptive list of the detailed persons. No details will be granted by the Bureau of Conscription for any department of the Government except on such certificate signed by the chief. The certificate of any inferior officer will not be admissible. The details will be made for six months, subject to revocation by the Secretary of War, and their renewal will be dependent on the terms of the certificate presented. Application for these details will be made to the Bureau of Conscription.

It is represented that, notwithstanding these orders and the severe penalty attached to the violation of the law, few persons fit for field duty and detailed in the Department and Bureau have been returned to their commands or turned over to the officers of the Conscription Bureau; and that the certificates required by the orders of the Secretary of War have been rarely furnished. In consideration of these facts, the President directs me to call your special attention to the law and orders under it, and to require that you cause a prompt investigation to be made throughout your department to the end that it may be shown that officers have violated and are now disregarding the law. The reports of subordinate officers should be consolidated in your office, and show the name of the officer and the number of clerks, &c., their age and physical condition, and by whose authority he employs them. You will state from the evidence exhibited by the officer whether the law in the case of each clerk, &c., has been conformed to. The consolidated reports will be forwarded from time to time to this office.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 1, 1864.

Mrs. SARAH E. HOWENTON and OTHER LADIES,
Halifax Court-House, N. C.:

LADIES: The President has referred to this Department your petition in behalf of the deserters from the Army. The feelings of sympathy and consideration which induced your appeal are fully appreciated, and felt to be honorable and natural to the sensibilities of the gentler sex. You do not, however, fully realize the absolute necessity of maintaining the discipline of the Army and retaining the soldiers to their standards, and that the rigid enforcement of the death penalty, painful and distressing as it naturally is to the feelings, is in reality the course of humanity, and by preventing offenses in the end saves lives. The course of the authorities has been marked perhaps with too great leniency to deserters, who have frequently been granted amnesties, and it has become, in the judgment of all our generals, who

deplore the fact, a necessity to enforce the law rigidly. It must be recollected that in time of war, and especially such a war, desertion is the betrayal of one's country and among the greatest of crimes. These considerations, it is hoped, will vindicate the action of the Government, and reconcile the most humane to the sad necessity existing for enforcing the penalties of the law.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[JULY 2, 1864.—For Davis to Clark, in relation to organizing the reserves of Mississippi, see Series I, Vol. LII, Part II, p. 685.]

No. 7A.] 17 SAVILE ROW, LONDON WEST, *July 4, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: The Hon. James E. Ward reached Paris on the 21st of March, and delivered me your letter of 6th of January. After negotiating with him and those he represented for five weeks the negotiations terminated on the 26th of April in the inclosed proposition from Mr. E. P. Stringer, managing director of the Mercantile Trading Company (alias C. H. Reid & Co.), with whom the Ordnance Bureau has a large partnership contract.* This proposition I of course declined. I have since made arrangements with Messrs. Fraser, Trenholm & Co. to furnish the Government with eight first-class steamers, to be purchased by or built under the directions of Captain Bulloch. Two of these steamers, the Bat and the Owl, have already been purchased, and will leave for Bermuda on the 1st of August. The six others are contracted for, to be ready for sea as follows—say two in November, two in December, and two in April, 1865.

I have also made an arrangement with the highly respectable firm of J. K. Gilliat & Co. to advance £150,000 for the purpose of purchasing or building other steamers to run on Government account, produce to be consigned to them. For this advance I pay 5 per cent. commission and 7 per cent. interest, and the usual mercantile commission of 2½ per cent. for selling the produce, I lodging with them bonds of the £3,000,000 cotton loan, at the market value, to net the £150,000, with a margin of 25 per cent. As Messrs. Gilliat & Co. have the money ready, this entire line might be started at once, if the proper steamers could be found, but the difficulty is in getting steamers ready built that are suited to the trade. Captain Bulloch, with whom I am directed by the Secretary of the Treasury to consult as to the character and fitness of the steamers, is now negotiating for two on the Clyde, which will be ready for sea during the month of August. Thus we expect to get off four first-class paddle-wheel steamers during the month of August. On their first outward trips they all will be sent to Bermuda, where I understand there is a large accumulation of Government freight; thence they will be consigned to Lieutenant-Colonel Bayne. The other steamers to be supplied under the Gilliat contract will be built as speedily as possible. The plans and specifications are ready, and negotiations are going on

* Inclosure not found.

with the builders. The whole will be ready for sea during the month of December. Thus you will see that I have made provision for fourteen steamers, four of which will leave here during the month of August, eight in December, and two (the last of the Fraser, Trenholm & Co. Line) in April, 1865. The two bought by Messrs. F., T. & Co.—the Bat and the Owl—and the two we expect to purchase on the Clyde are the four best steamers now being built in the kingdom, and are greatly superier to most of the steamers herctofore engaged in the blockade business. They are built of steel, and will carry 1,000 bales of cotton each on a draft of seven feet water and with an average speed of thirteen knots per hour. Those to be built will be superior to these, and will, I think, have such sea-going qualities, combined with speed, as will greatly reduce the danger of running the blockade. A certain part of the proceeds of the produce brought out by these steamers will be set aside to keep up the lines, and by the end of the year the Government will have the means in its own hands to obtain all the supplies required abroad without incurring any further foreign debt.

That there may be no want of supplies for the Army until we begin to reap the result of these enterprises, I have made a contract with Alex. Collie & Co. for £150,000 clothing and quartermaster's supplies to be purchased by Maj. J. B. Ferguson, and for £50,000 ordnance and medical supplies to be purchased by Maj. C. Huse. A copy of the contract you will find inclosed. Already one of Mr. Collie's steamers, the Falcon, to be employed in carrying out this contract, has sailed for Bermuda, and the second steamer, the Flamingo, which takes this, will sail to-morrow. Major Huse has purchased about £30,000 on his credit under this contract, a part of which (medical stores) went on the Falcon, and he hopes to get off some other light goods by the Flamingo. Major Ferguson has placed orders for the whole amount of his credit, and the entire contract will go forward to the islands within five months.

As above stated, two of the steamers of the line to be employed in this business may be said already to have commenced work. The other two will sail, one in the middle of July, the other the 1st of August, and the goods will be speedily arriving at Wilmington. Therefore, no time should be lost by the Quartermaster's Department and Ordnance Bureau in getting cotton ready at the ports, to be exchanged for the goods on delivery as per the contract. May I respectfully ask that you will give instructions to this effect?

In a letter to the Quartermaster-General of 7th of May I advised him that I should make a contract with Mr. Collie for his department for carrying out that made with Mr. Tait, at Richmond, and sent to me for confirmation. Mr. Tait has arranged with Mr. Collie and Major Ferguson to furnish £50,000 of ready-made clothing at prices somewhat lower than those named in the contract drawn up at Richmond, and he waives the 5 per cent., as Mr. Collie pays him cash for the goods on delivery. He also pays cash for the purchases of Majors Huse and Ferguson, for which, you will perceive by reference to the contract, he is allowed 2½ per cent. The balance (£100,000) will be invested in such general quartermaster's supplies as Major Ferguson has the most pressing orders for.

The first trips of these steamers in may not take goods enough to pay for full outward cargoes, as per contract, but very soon they will take in more in value than they can bring out. I therefore request that you will direct Colonel Bayne to give the steamers of this line

full outward cargoes of cotton. It is understood with Mr. Collie that if any of the inward cargoes are lost or captured, and he should have received cotton in excess of goods delivered, that he will pay for such excess at the rate of 8d. per pound in sterling, or he will duplicate the goods, at the option of the Government. In addition to this contract I have opened a credit with Messrs. J. K. Gilliat & Co. for the Ordnance Bureau, which has enabled Major Huse to complete the contracts for all the machinery required for the works of Colonel Rains, Major Mallet, and Superintendent Burton, and the machinery is now in process of construction. To obtain this credit I deposited with Messrs. Gilliat & Co. $1,000,000 8 per cent. Confederate bonds belonging to the Ordnance Bureau, and pay them 2½ per cent. commission for the credit and 7 per cent. interest. The credit extends over a period of twelve months, though Major Huse expects to get all the machinery off much sooner. I have also authorized Major Huse to purchase, at six months' credit, rifles, carbines, pistols, cavalry equipments, leather, harness, &c., to the extent of £40,000. Under this credit he informs me that he can purchase from certain parties almost as cheap as he could for cash, interest off. Major Ferguson also informs me that he can purchase from the Lancastershire and Yorkshire manufacturers, at four and six months, on the credit of the Government, but I have not thought it advisable to go beyond the £40,000 at six months, as I do not wish to create any debts that I cannot see the way clear to pay. Our credit begins to grow stronger, and by proper management will soon be available for all our wants.

The legislation of the last Congress, with the regulations since adopted in reference to the foreign commerce of the country, has greatly strengthened it, and I hope the Government will not allow the outside pressure to cause any future modification of these regulations, and, above all, that for a momentary necessity you will not allow the agents at the islands to make contracts with steamers granting privileges not in accordance with these regulations.

Since I wrote you last (19th February, No. 6A) I have paid W. G. Crenshaw £40,000 and Major Ferguson £35,000, Maj. R. P. Waller's drafts (£20,000), and an additional draft of Major Waller in favor of Thomas Sharp, for £3,000 to purchase machinery for a shoe manufactory. To make these payments I had to sell the stock of the loan—some as low as 42. I hope, however, that matters are now in such a train as will prevent any such sacrifices in future. The £40,000 paid W. G. Crenshaw has enabled him to re-establish his line of steamers. He has three now running, and has made arrangements with Messrs. Gilliat & Co. to furnish him with the means to purchase two more. You are aware that he has dissolved his connection with Mr. Collie. He informs me that at present he has no contract with you, but that his operations are three-fourths for the Government and one-fourth for himself. Having myself made pretty ample provision for quartermaster's, ordnance, and medical supplies, I have advised him to confine his operations to getting in commissary supplies, and I believe he is energetically working at it. Would it not be well to have a new contract made, defining accurately the interest of the Government in his operations? The Collie & Crenshaw contract was by no means favorable to the Government, and from a general statement presented me by Mr. Crenshaw when I paid him the £40,000 it appears that the Government had not received from it the money invested. You are aware from my previous letters that I do not favor any partnership connections between the Government and individuals. If there be

profits the individuals will get them; if losses, they will fall on the Government. Besides, there will always be difficulty in getting settlements. The contract with C. H. Reid & Co. illustrates this. More than a month ago, after receiving a letter from Colonel Bayne authorizing me to do so, I called in person on them and asked for a statement of their accounts with the Government, which they promised to furnish. After waiting three weeks without hearing from them, ten days ago I made the request in writing, and as yet have only received a note saying that they were getting the accounts ready. I have, however, learned from Major Huse that he has received from the company £35,000 on account of the Government interest in the adventure. As the arrangements made with Fraser, Trenholm & Co. and J. K. Gilliat & Co. will furnish the Government with the means of obtaining ample supplies, I respectfully suggest that these partnership contracts be annulled; or, rather, that the Government buy out the interest of the other parties in the steamers and run them on its own account.

But little progress has been made in the settlement of the accounts of Messrs. S. Isaac, Campbell & Co. since the letter of Mr. Bloodgood and myself of the 17th March. All your conjectures in reference to this firm have proven but too true. The investigation of their accounts shows that they have in many instances made charges that can be characterized by no other term than that of fraudulent. In that portion of their accounts which they originally professed to have furnished on commission, we find that they have in many instances charged, in addition to the commission, from 5 to 20 per cent. more than they paid. They now seek to turn this commission account into a purchasing account, and claim that under the circumstances (*i. e.*, the precarious credit of the Government) the profit they have charged is not unreasonable or excessive. Not being able to come to a settlement in any other way on the proposition of Messrs. S. I., C. & Co., we have agreed to leave the matter to arbitration, provided there should be but one arbitrator, and he a barrister or attorney of eminence. The papers are now in the hands of our solicitors, Messrs. Thomas & Hollams, who, with the solicitor of Messrs. S. I., C. & Co., are to select the barrister.

I have received, under cover of a letter from Lieutenant-Colonel Bayne, of 21st of April, copy of the regulations established by the Secretary of the Treasury, yourself, and the Secretary of the Navy on the 14th of April, and approved by the President on the 18th, for the purchase and transportation abroad of tobacco, cotton, and naval stores. The arrangement I have made for steamers seems to have anticipated your action, and will supply the means of rendering it immediately efficacious. The distribution of the work among the various departments appears to me the simplest and most effective mode of carrying out the objects in view. The only thing necessary, in my opinion, to give the public service the full benefit of these regulations is, that all persons abroad acting under them should be formally instructed of the nature and limits of their respective duties. On a former occasion, *i. e.*, the agreement of the 15th of September and your letter of the 26th *idem*, the failure to do this defeated the principal objects you had in view, namely, to give me control in cases of emergency of the funds of your Department in the hands of Messrs. Fraser, Trenholm & Co., since that firm declined to transfer funds in their hands from one bureau of your Department to another, as advised in my letter to you of the 18th of December, No. 4A, to which I hoped

ere this to have received a reply, inclosing such directions to Messrs. Fraser, Trenholm & Co. as would enable me to carry out the views expressed in your letter of September 26. I still think it desirable that all the funds of your Department abroad should be under my direction. As I am now issuing large credits to the purchasing officers and paying any drafts that may be drawn on me from the islands, I may make sacrifices to meet these engagements which might not be necessary if I were fully advised of the exact state of the finances of your Department.

With much respect, your obedient servant,

C. J. McRAE,
Agent, &c.

[Inclosure.]

LONDON, *June 13, 1864.*

Memorandum of agreement between Alexander Collie, of London, on the one part, and Colin J. McRae, as representing the Government of the Confederate States of America, on the other part.

1. Alexander Collie agrees to provide four large and powerful new steamers to carry out the following arrangement with the least possible delay:

2. Alexander Collie will at once cause to be purchased, under Colin J. McRae's direction, quartermaster's stores to the value of 150,000 pounds sterling, and ordnance or medical stores to the value of 50,000 pounds sterling—the one subject to the inspection of Maj. J. B. Ferguson, the other to that of Maj. C. Huse.

3. The delivery of such purchases to extend over a period of about six months, in proportionate quantities, and shipment to be made to the Confederate States with as little delay thereafter as practicable.

4. Inland carriage and packing expense to be charged in the invoice, and 2½ per cent. commission to be charged also.

5. Colin J. McRae, on behalf of his Government, agrees that on arrival in the Confederacy of any goods purchased and shipped by Alexander Collie under this agreement, such goods will be immediately claimed and taken over by the Government. Fifty per cent. advance will be added to the English invoice, and Alexander Collie, through his agent, will immediately receive in exchange cotton at the rate of 6 pence sterling per pound.

6. Such cotton to class middling and to be delivered alongside the steamers as required, compressed, packed, and in good merchantable condition.

7. Full cargoes of cotton received in exchange for goods delivered under this agreement may be shipped by Alexander Collie, through his agent, free from any other charge or restriction whatsoever beyond the now existing tare of one-eighth of a cent per pound.

8. No steamers to have priority in any way over those employed by Alexander Collie in this service, and more than the four above mentioned may be used if Alexander Collie can arrange to put them on.

9. Colin J. McRae further agrees that to cover the expense of Alexander Collie's agencies abroad, he, Alexander Collie, is to have the privilege of providing and bringing out other cotton than that received under this agreement to the extent of one-tenth part of the cargo space of the respective steamers, and such cotton (or tobacco) may be shipped on same terms as indicated per Government cotton, viz, free

from all other charges or restrictions whatsoever excepting the before-named export duty now existing.

10. This agreement is to be construed by both parties in a spirit of confidence and liberality. The one will purchase and send forward the supplies indicated with the least possible delay; the other will deliver cotton as required in the same way, and neither party will withhold necessary supplies on account of any temporary shortcoming on the part of the other.

11. Alexander Collie's agents, with the necessary staff for attending to this business, are to be allowed the privilege of residing in the Confederacy free from liability to conscription, and every reasonable facility is to be allowed them for effectually carrying out the terms of this agreement.

ALEX. COLLIE.
C. J. McRAE,
Agent Confederate States of America.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, July 5, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: I have waited anxiously for a reply to my letter of the ——* in regard to the exemption of Daniel L. Russell, jr., as an officer of this State. None has been received, but I am told that General Whiting has orders to conscribe him immediately.

I simply wish to inform you that I cannot and will not submit to this being done without resisting it by every means at my command.

Very respectfully, your obedient servant,

Z. B. VANCE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 5, 1864.

Col. W. M. BROWNE,
Commandant Conscripts of Georgia:

COLONEL: My attention has been lately called by various communications to the obstructions which have been interposed by Governor Brown to the execution of the conscript law, especially in regard to the reserve classes. I have frequently given instructions relative to the subject to the superintendent of conscription, and they have doubtless been made known to you by that officer, and you have thus been advised of the views of the Department. Still, I deem it advisable to express more particularly to yourself my conviction that the spirit and temper of the Governor, especially in the late correspondence with General Cobb, preclude all hope of a change in his policy and render further attempts at conciliation, harmony, and co-operation useless. I am weary of vain attempts to obtain his good will or assistance in the work of conscription, and am, moreover, inclined to believe that a course of firmness and decided action in dealing with him will be both wiser and more effective. I recommend, therefore, that you proceed in the execution of the law strictly, without respect to any claims or pretensions which may be asserted by him or his agents that do not come within the fair intent and just construction of the Confederate law. He is entitled to give certificates of exemption for

* Probably May 19, p. 425.

all officers of the State whom he may deem necessary to the State Government, and to those only. He has no right to secure militiamen within the ages prescribed by the Confederate law, nor to make details for manufacturing or industrial purposes. No more county or municipal officers can be covered by his exemption. There is no occasion to have any direct conflict with the Governor or the officers of the State. The action of yourself and the enrolling officers should be not toward them, but on persons individually liable to conscription, and they should be proceeded against in the mode prescribed by the law.

A few judicious examples made by sending into active service in the field those of the reserve corps who have failed to report within the time prescribed would probably strike wholesome terror, and induce prompt compliance with the call for enrollment by all the rest. If Governor Brown interposes with his official authority it will be necessary temperately but firmly to insist on the enforcement of the law, and let him know, if need be, that the issue will be distinctly made and met before the people of his State between the authority of himself and the Confederate Government. It is not believed that, with the imminent danger threatening their liberties, lives, and homes, the people will hesitate to sustain the action of the Confederate Executive in strengthening the Army of their defenders and providing reserve forces to guard vital points from marauding raiders. At least it has become a grave duty on the part of the Confederate Government to do its work thoroughly, and if arrested by the action of the Governor or State authorities let the responsibility rest upon and be met by the true delinquents. I hear that a great many of the men who put in substitutes, and others who are applying for agricultural and other details, have been granted from time to time temporary furloughs until their cases can be decided, and have thus far escaped active service. I do not consider it advisable longer to pursue such a course, but, on the contrary, deem it important that those whose cases have not been decided, and until they are, should be placed in active service. Whenever a clear right of exemption exists or a case of detail has been settled and the bond taken, the exemption or detail may be made permanent. Otherwise, the party should be in service during the present crisis. This is important, especially with regard to those who put in substitutes, because otherwise on the expiration of the law suspending the writ of habeas corpus we shall have innumerable cases of litigation. We should give to all such an opportunity of acquiring the spirit of a soldier, and of feeling the shame of deserting their standard in the presence of the enemy, before the expiration of the suspension.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

OFFICE COMMISSIONERS OF THE SINKING FUND,
Richmond, Va., July 5, 1864.

Hon. JAMES A. SEDDON,
Secretary of War of the Confederate States:

SIR: Some time ago the commissioners of the sinking fund of the State of Virginia, of which board we are the members, entered into a contract with L. R. Smoot and others, by which they agreed to pay the interest on the debt of Virginia, due in London, upon condition

that the commissioners of the sinking fund would obtain permission from the Secretary of War of the Confederate States to ship full cargoes of cotton in three vessels or in a vessel making three trips. Upon representing the matter to you you granted the permission by indorsing upon the application that your authority was given, provided no law should be passed by Congress contravening that authority. Since then a law has been passed by Congress authorizing the President to prescribe regulations for vessels running the blockade, and under the regulations prescribed it is understood that the permission granted by the Secretary of War cannot now be rendered available. The parties who made the agreement with the commissioners of the sinking fund have since purchased cotton bonds to enable them to carry out their agreement, intending with the cotton to be paid under these bonds to run the blockade and pay the State interest. When they applied to obtain the cotton due them they were informed that the Government has no cotton on hand at any Southern port and that the bonds cannot now be paid. If this cotton was delivered to them upon the terms of the bond they would have a right to ship the cotton without being bound by the regulations prescribed by the President. These parties, however, have purchased other cotton and have it ready for shipment, and ask that they may be permitted to carry this out according to the original understanding. May we not ask, under these circumstances, that the restriction may be removed, and that the facility may be afforded these parties to provide the means of paying the interest of the State? We cannot but hope, with this laudable object in view, that you will grant the permission asked, or, if not in your power, that you will recommend it favorably to the department to whom the authority properly belongs.

Very respectfully,

J. M. BENNETT.
S. H. PARKER,
Register.
GEORGE W. MUNFORD,
Secretary of the Commonwealth.

[Indorsement.]

JULY 6, 1864.

I regret to inform that under the late law of Congress and the regulations adopted by the President this request cannot be complied with, as it would invade the uniformity on which the constitutionality of the regulations rest. Besides, motives of very strong policy require that one-half of the outward cargo of each ship sailing should be exacted for the Government, and the President has no power to depart from it for other States.

J. A. S.,
Secretary.

RICHMOND, VA., *July 6, 1864.*

General HOWELL COBB,
Macon, Ga.:

Your letter received. By reference to the law you will see that the certificate is only effective as to State officers. You will require the enrolling officers to do their duty.

JEFFERSON DAVIS.

BUREAU OF SUBSISTENCE,
Richmond, July 6, 1864.

Col. L. B. NORTHROP,
Commissary-General:

COLONEL: I beg leave to call your attention to the fact that the competition which has heretofore been occasioned by several bureaus of the Government being at one time in the market for supplies has again arisen in efforts of the Navy Department, Niter and Mining Bureau, &c., to secure the incoming wheat crop. Agents of the former have already purchased some of the best crops in the vicinity of Richmond, and those of the latter are now in the market for crops in Powhatan, and doubtless other counties in this State; and it is scarcely necessary for me to say that this competition not only adds to the difficulty of collection by creating an exaggerated estimate of the wants of the Government, but increases prices and stimulates farmers to hoard and secrete their produce. I would therefore respectfully recommend that these departments be requested to withdraw their agents for the purchase of such supplies as are obtainable in the Confederacy, and that they be furnished by this Bureau and with the same ration as the Army is now receiving.

Very respectfully, your obedient servant,

S. B. FRENCH,
Major and Commissary of Subsistence.

[Indorsement.]

Respectfully referred to the Secretary of War, recommending the course within suggested.

L. B. NORTHROP,
Commissary-General.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., July 6, 1864.

Surg. W. H. PRIOLEAU,
Medical Purveyor, Macon, Ga.:

SIR: The invoice of medical supplies forwarded by you to this office as samples of the product of your laboratory have been received. The articles appear to be of good quality and well prepared, and I am pleased to see that much progress has been made in this branch of the establishment under your control. It is hoped that you will continue to manufacture these articles in as large quantities as possible, so as to avoid as far as practicable the necessity of importing from abroad. For the same reason it is deemed advisable that the preparations of indigenous plants should be manufactured in large quantities, that they may be substituted as far as practicable for imported medicines.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

[JULY 7, 1864.—For Johnston to Brown, referring to the services of the Georgia State troops and asking that their number be increased, see Series I, Vol. XXXVIII, Part V, p. 867.]

GENERAL ORDERS, No. 59. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 8, 1864.*

I. In accordance with the act of Congress approved June 14, 1864, and published in General Orders, No. 53, current series, the commutation value of rations of sick and wounded officers and soldiers in hospitals or other places, in camp or the field, used as hospitals, will be the cost of the ration at the post or place, and 100 per centum thereon, which amount will constitute the hospital fund.

II. The ration named in the preceding paragraph, when actually issued, will correspond with that allowed to soldiers in the field; but in reckoning the hospital fund the whole number of rations due, whether drawn or commuted, will be estimated in quantity and components (excluding sugar and coffee) according to the ration as prescribed in paragraph 1107, Army Regulations.

III. Rations in kind (such as are issued to soldiers in the field) may be issued to all attendants in regimental, field, or other hospitals.

IV. Medical directors will report through the Surgeon-General to this office soldiers in hospital who are mechanics, and who are permanently disabled, or it is believed will be unfit for many months for field service. When reported their trade will be stated, that they may be detailed in appropriate bureaus to relieve able-bodied men therein employed.

V. Officers traveling under orders will be allowed transportation in kind and $10 per diem. All general or special orders which give other or different allowances are hereby revoked. Generals or other officers commanding a district, department, or army in the field, and chiefs of the several military bureaus, are alone authorized to give orders that will carry transportation.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR No. 26. } CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, BUREAU OF CONSCRIPTION, *Richmond, Va., July 8, 1864.*

The Secretary of War directs that hereafter no furloughs be allowed by the officers of conscription to applicants for exemption not sustained or required by regulations, or detail, whilst their applications are pending, but that they be promptly forwarded to the camps of instruction and at once assigned to commands in the field, entitled, under existing orders, to receive conscripts.

Enrolling officers will, with the aid of the temporary boards, proceed diligently to investigate all such applications, in accordance with the instructions heretofore given, and forward them to the Bureau with their reports and opinions for such action as the War Department may take in reference to said applicants.

Upon transmitting the applications to the Bureau, commandants will state the commands to which the applicants were assigned.

By command of Col. Thomas P. August, acting superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 159. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 8, 1864.*

* * * * * * *

II. The Twenty-seventh Battalion Virginia Cavalry (nine companies), with the addition of Capt. G. T. Lyle's company, which is hereby attached thereto, will constitute the Twenty-fifth Regiment Virginia Cavalry.

* * * * * * *

By order of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

BUREAU OF SUBSISTENCE,
Richmond, July 8, 1864.

Col. L. B. NORTHROP,
Commissary-General:

COLONEL: The inclosed circular from the Niter and Mining Bureau is respectfully submitted for your consideration, and has already operated most injuriously upon our prospects of speedily collecting the tithe wheat by giving farmers the option of retaining it until called for by agents of that Bureau, besides creating alarm and confusion among the planters as to the wants of the Government and the proper parties to whom they should deliver the tithe. Information has also reached me that agents of the Niter and Mining Bureau are now engaged in purchasing wheat with the view to an immediate accumulation of a six-months' supply for its employés, while our best exertions are now employed to meet the daily wants of the Army. This course seriously conflicts with the best interests of the Government, and I am constrained to repeat the suggestion contained in my letter of the 6th instant that the several bureaus of the Government be furnished by this department with subsistence and thus remove effectually the competition that threatens to destroy the credit of the Government and its ability to buy to any extent.

Very respectfully, your obedient servant,

S. B. FRENCH,
Major and Commissary of Subsistence.

[Indorsement.]

Respectfully referred to the Secretary of War.

In present crisis the Bureau should be forbidden from laying in supplies for the future. If the various bureaus would agree or be ordered to accept the chances and ration of the soldier, this Bureau should supply all. Any other plan throws on the soldier all the restrictions and privations.

L. B. NORTHROP,
Commissary-General.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPT.,
NITER AND MINING BUREAU,
Richmond, May 25, 1864.

ARCHER TURPIN, Esq.,
Fine Creek Mills:

SIR: I have been authorized to collect tithes in your district for the use of this Bureau. You are notified in advance that you may retain

yours until called for by an agent of this Bureau. Our canal-boats will take the tithes at the landing nearest your place. A receipt will be given you on account of your tithes for 1864, specifying the amount of each article received.

Very respectfully, yours,

RICHARD MORTON,
Major.

[JULY 9, 1864.—For proclamation of Governor Brown, ordering out all the militia of Georgia between sixteen and fifty-five years, see Series I, Vol. LII, Part II, p. 688.]

[JULY 10, 1864.—For General Orders, No. 15, Bureau of Conscription, Trans-Mississippi Department, in relation to the reserve corps, see Series I, Vol. XLI, Part II, p. 1002.]

SPECIAL ORDERS, No. 161. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 11, 1864.*

* * * * * * *

II. The seven Georgia companies belonging to the Sixty-second Georgia Regiment, with Companies A, B, and C, of Millen's Georgia battalion, hereby transferred, are organized into and will constitute the Eighth Regiment of Georgia Cavalry, to the command of which Col. J. R. Griffin is hereby assigned. The offices of lieutenant-colonel and major will be filled by promotion according to seniority.

III. The three Alabama companies known as Love's Alabama battalion, and Company D, of Millen's Georgia battalion, are hereby assigned to the Jeff Davis Legion, cavalry, which will hereafter consist of three squadrons, to wit: The five Alabama companies will constitute the first squadron, and will be commanded by a major; the three Mississippi companies will constitute the second squadron, and will be commanded by a major; the third squadron will consist of the two Georgia companies, under command of the senior captain.

IV. The eleventh company of Cobb's Legion of cavalry (Capt. F. E. Eve) is hereby transferred to and will form part of the Phillips Legion, Georgia cavalry.

V. The first ten companies of Cobb's Legion, cavalry, will constitute the Ninth Regiment Georgia Cavalry, to the command of which Col. G. J. Wright is hereby assigned.

VI. Companies A and B, of the Twelfth North Carolina Battalion, are hereby transferred to and will form a part of the Fourth North Carolina Cavalry (Fifty-ninth Regiment).

VII. The seven Georgia companies now belonging to the Seventh Confederate Regiment, with Companies E, F, and G, of Millen's Georgia battalion, which are hereby transferred thereto, will constitute the Tenth Regiment Georgia Cavalry, with the following field officers: Col. V. H. Taliaferro, Lieut. Col. T. D. Claiborne, Maj. J. H. Sikes.

VIII. The five North Carolina companies of the Seventh Confederate Regiment, the three North Carolina companies (Companies D, E, and I) of the Sixty-second Georgia Regiment, and Company C, of

the Twelfth North Carolina Battalion, will constitute the Sixteenth Battalion North Carolina Cavalry, to the command of which Lieut. Col. John T. Kennedy is hereby assigned.

IX. The Ninth Regiment Georgia Cavalry, Col. G. J. Wright; the Jeff Davis Legion, cavalry, Lieut. Col. J. F. Waring; the Seventh Regiment Georgia Cavalry, Col. ——— ———, and the Tenth Regiment Georgia Cavalry, Col. V. H. Taliaferro, will constitute the cavalry brigade of Brig. Gen. P. M. B. Young.

* * * * * * *

By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

[JULY 12, 1864.—For Cooper to Wright in regard to mustering in old men and boys tendered by Governor Brown, of Georgia, see Series I, Vol. XXXVIII, Part V, p. 878.]

SPECIAL ORDERS, No. 164. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 13, 1864.*

* * * * * * *

VI. The commandant of the local defense troops at Augusta, Ga., will excuse from weekly drills, except in times of great emergency, the men engaged in repairing the machinery, &c., of the Nashville and Chattanooga Railroad and the East Tennessee and Georgia Railroad and the employés of the Georgia Railroad at that place.

* * * * * * *

By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., July 14, 1864.

Surg. W. A. CARRINGTON,
Medical Director, Richmond, Va.:

SIR: You will inform the medical officers under your control that in future when making requisitions for medical and hospital supplies all alcoholic stimulants will be omitted. Stimulants are to be issued by the purveyor only on a separate requisition made according to the same form as the regular one for supplies, which the officer will send to the purveyor by a perfectly reliable man, whose name will be indorsed upon the back of the requisition as the person authorized to receive the stimulants. (This for the information of the purveyor.) The courier will receive, be responsible for, and deliver to the surgeon in charge of the hospital, who will examine it, see that the quantity agrees with the invoice, and turn the same over to the matron, who will issue it only as an extra on the diet list when prescribed by the medical officer in charge of the patient. The matron will at the end of each week render to the surgeon in charge a statement of the quantity of stimulants issued, the names of the patients

to whom issued, and by whose order, together with the name of the ward and division, inclosing diet lists as vouchers. The surgeon in charge will critically examine said statement and vouchers and see that no improper expenditures have been made. Should he discover any abuse or improper issues he will report the name of the officer authorizing such expenditure to this office.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

[JULY 14, 1864.—For Withers to Davis, in regard to organizing the Alabama reserves, see Series I, Vol. XXXIX, Part II, p. 711.]

ATLANTA, *July 16, 1864.*

His Excellency JEFFERSON DAVIS:

The Belgian consul at this place complains to me that Major Cummings has seized a lot of tobacco belonging to him, and asks that it be returned with privilege to ship it to Macon or Augusta. I trust you will issue order. Have every reason to believe that the sympathies of the consul are fully with us, and regret that his property has been disturbed.

JOS. E. BROWN.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 16, 1864.

General HOWELL COBB,
Macon, Ga.:

Detailed men being already in military service of Confederate States are clearly not liable to militia or State duty. Those who have been exempted from service may be so subject. In regard to any classes of detailed men who in your judgment may be judiciously used with the militia, it would be in your power to tolerate the call, sanctioning it as an assignment to temporary duty, but that is matter for your sound discretion.

J. A. SEDDON,
Secretary of War.

HARRISONBURG, *July 16, 1864.*

Major CALVERT:

What on earth do the commissioners mean by their late schedule of prices? Wheat, $30 per bushel! A rise of $150 from $25 a barrel for flour! The whole community—farmers among others—stand aghast. They regard the Government as giving up their currency. Gold and silver is now being demanded for produce, and persons bringing supplies to town are in many instances returning with them unsold, being unwilling to take Confederate money at any price. The idea is among the people that the Government in paying such prices will necessarily flood the country again with promises to pay, and at such prices as offered can never meet its engagements. The very worst results are

about to occur unless some immediate steps are taken to prevent it. It is the opinion of the more intelligent farmers that more grain would have been sent forward by reducing the price on the plea of scarcity of money than by enhancing it. The truth is, our whole community is shocked at the proceedings of the Board, and consider that a more terrible blow has been leveled at our currency than any it has as yet received. In addition to all, there is a strong current of feeling among the non-producers and poorer classes, who, in view of their limited means and the heavy taxation on all sources of obtaining money, conceive that they see for themselves and families nothing but starvation. I write you this letter hoping that you will at once bring the subject to the attention of the Secretary of War or other proper authority for investigation, with the full assurance that the people know that in proportion as the Government enhances the prices of provisions the less likely will it be able to pay; that it is not that the prices heretofore paid were not amply sufficient, but that the hesitation in bringing forward supplies consisted in a distrust of the money, which distrust is now tenfold increased.

I am, your friend,

J. W. G. SMITH.

P. S.—Since writing the above I learn that flour has advanced in this town in view of the schedule from $100 to $250.

[First indorsement.]

The PRESIDENT:

I send you in this letter the language of the country. Something must be done, and that promptly.

WM. SMITH.

[Second indorsement.]

JULY 19, 1864.

Secretary of War for attention.

The within letter presents the case more strongly, but in the same line of thought I advanced to you. Please note indorsement of Governor Smith and confer with me.

J. D.

JULY 18, 1864.

General BRAXTON BRAGG,

Richmond:

GENERAL: I beg leave to call attention to the following subjects of special interest suggested by my recent inspection of the conscription service in North Carolina.

First. Under the present system the liberty of petitioning for details is much abused. The testimony of the most judicious enrolling officers is that almost every man puts in a petition as soon as he is enrolled, for the sake of delay; and the instructions they are acting under require them to send forward the application, approved or disapproved, and allow the party to remain unmolested until it is returned. The effect of this arrangement is that numbers of conscripts who should have fought in this campaign have spent a quiet summer at home by means of a sham petition. Officers tell me that uniformly where they have rejected a man's claim to detail as having no show of merit and sent him forward to the camp of instruction he has returned in a few days with liberty to stay at home till his

appeal to Richmond was heard from. I do not see anything in the law or the orders of the War Department which necessitates this slow procedure. Practically in the large majority of cases an application disapproved by the local and district officers is disapproved all the way through. It would seem, then, to be the true policy to send immediately to the Army a conscript whose petition for indulgence is rejected by these officers. The paper going forward to the Bureau might contain a statement of the regiment to which the applicant had been assigned, and in the few cases in which it would be deemed proper to reverse the action of the county and district officers an order for detail might issue immediately from the Adjutant-General's Office. Such a practice would also tend to reduce the number of improper applications, and thus disencumber the service of a mass of useless work.

Second. Closely allied to this matter is the evidence which will be found in the reports upon the several districts as to the time required for the transaction of business in its passage from the enrolling officer through the commandant to the Bureau and back again. The indications are, if I mistake not, that the greatest improvements in the service are to be sought in this direction.

Third. I would suggest the propriety of having some uniform system of books and records prescribed by the commandant for each class of officers. Printed blanks should, by all means, be furnished. At present there is great diversity of practice, and in one point it is of some moment. There is no greater clog to business than what is known as an indorsement book. In some cases it is, of course, a necessary evil, but where it is not essential it ought to be abolished. Three or four districts and a majority of the county officers do not keep this record, and testify that they have felt no inconvenience from its absence. This would appear to be a matter for the experience of the commandant to decide and regulate. But few of the officers have the clerks authorized by the Bureau.

Fourth. The local advisory boards are working well, but one evil is to be apprehended from them and guarded against—delay of business. Whilst there was a great press of work, arising immediately out of the recent enrollment, they met every day; but I found that either no regular times for meeting had been fixed or they were to meet once a week or once in ten days. It is evident that much of the ordinary business of a county officer would thus remain in his office from a week to ten days. I suppose at least two meetings a week might be secured without hardship by a general order from the commandant. No more fortunate device for the protection of the agriculture of the country could have been adopted than the method of investigation by these boards. Though my observation was limited, I feel satisfied that if any error is committed in the exercise of the great powers intrusted to the conscription authorities it will be on the side of the producing and industrial interests, and not from blind zeal to increase the mere numbers of the Army.

Fifth. No system for the supervision of detailed men has been anywhere adopted. The duty is earnestly enjoined by the Bureau; but unless some regular method is prescribed by the commandant it will be carelessly and imperfectly performed. The local boards and militia officers afford every ready agency for a complete supervision of the daily life of every detailed man in a county, and periodical reports might be made by them to the county officer showing how each man is discharging his duty to the Government.

Sixth. The apprehension of deserters has been almost entirely suspended by the removal of the troops heretofore employed as a supporting force. It cannot be actively resumed till the companies of senior reserves authorized for this service are organized, which will be some weeks hence. In the Tenth District this force will be entirely inadequate. It will be necessary to send some regular troops there when they can be spared to effect a thorough purification of the country. The militia and home-guard officers in the greater part of the State are reported to be zealous and active, but they constitute a very inefficient and unsatisfactory machinery for the execution of the law of conscription. Their last service is as auxiliaries to a regular force entirely under the control of the enrolling officer. Such a system is contemplated by the Bureau, and I do not see why it should not be in successful operation in a month.

Seventh. The qualifications of the officers engaged in the service are as high as could reasonably be expected. The districts are superintended without exception by officers of good intelligence, apparent activity and fidelity, and sufficient experience. Many of them have seen service in the field and been disabled by wounds. The county officers impressed me for the most part favorably. Some are too young and some without sufficient education or entirely new to the business, but I have no doubt of their capacity generally to do their work. The greater part are commissioned as drill-masters and have not seen field service; others are disabled line officers. Much embarrassment has no doubt been felt heretofore from the constant changes occurring in the personnel of the service. It has been almost impossible to form a good corps of officers, because as soon as they acquired experience they were called for by their commanders in the field. But the matter is now upon a better basis, and when a few existing vacancies are filled by retired officers all that is practicable perhaps will have been done. The reports upon the districts show that charges of corruption have been preferred in but few cases against these officers, and they are apt to be heard where there is ground for them. Under the present law the amount of labor to be performed by each class of officers is very great and quite sufficient to keep them busily employed. A conscientious man will find constant work to do in one of these offices. I found a good deal of unfinished business nearly everywhere, whether by negligence or not there was no way of ascertaining, but it is just to remember that the first enrollment under the act of February 17 had been only recently completed.

Eighth. It is difficult of course to judge from a rapid journey through the State how the law has been executed, but from the information I have been able to pick up I should say that the system of enrollment described in the report of the Sixth District is as good as can be adopted; that the recent enrollment under the new law was thorough, and that claims to exemption and detail were vigorously but fairly and intelligently investigated. The weight of evidence shows that the medical boards are giving full effect to the intention of Congress relative to the enrollment of certain men for light duties, and it appears that the employés of the staff departments at the different posts have been carefully inspected. The organization of the service is judicious, the admirable regulations for the conduct of business prescribed by the Bureau seem to be generally understood, and the officers are fairly doing their duty.

I have endeavored to point out some improvements which seemed feasible, but it is only fair to say that upon the whole, taking into

consideration the opposition to the law in some parts of the State and all the elements of difficulty, the conscription service in North Carolina appears to be in a healthy working condition, creditable to the commandant and his subordinates.

I have the honor to be, general, very respectfully, your obedient servant,

ARCHER ANDERSON,
Lieutenant-Colonel and Assistant Adjutant-General.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
September 2, 1864.

Respectfully submitted to the Secretary of War.

Report shows that unnecessary delays are occasioned by permitting conscripts to remain at home until their applications for details can be acted upon by the Bureau of Conscription; also a want of a general system of supervision of detailed men; and suggests that the local boards and militia officers afford a ready agency for the supervision of the daily life of every detailed man in a county. The suggestions of Colonel Anderson are concurred in and are recommended for adoption. The same suggestions were made by Col. R. H. Chilton in his inspection report of the conscription in Richmond, August 21, 1864.

R. H. CHILTON,
Assistant Adjutant and Inspector General.

[Second indorsement.]

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, October 17, 1864.

General S. COOPER,
Adjutant and Inspector General:

SIR: Herewith are returned reports of Lieut. Col. Archer Anderson, assistant adjutant-general, of inspection of the conscript service in North Carolina. Such of their contents as suggest action or inquiry by this Bureau will receive appropriate attention and the results will be duly reported to you. It gives me pleasure to acknowledge the just and enlightened character of these reports and suggestions and to find in them a substantial approval of the administration of conscription in North Carolina.

I am, general, very respectfully, your obedient servant,

JOHN S. PRESTON,
Brigadier-General and Superintendent.

MACON, *July 18, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

There are three classes of agricultural exempts, and takes, first, those who paid $500 for overseers; second, those who having fifteen and more hands have given bonds; third, those having less than fifteen hands and have bonded. To be certain, I ask your views on each point.

HOWELL COBB,
Major-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 19, 1864.

General HOWELL COBB,
Macon, Ga.:

Overseers for whom $500 have been paid the Government are not strictly exempts, as the last law does not embrace them. Those having fifteen hands who have bonded are exempts. Those with less than fifteen, though bonded, are strictly detailed men. For the first and second class we have strictly no right to interpose. For the third, as legally they are in Confederate service, we have; but I leave the matter to your discretion.

J. A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 169. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, July 19, 1864.

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II. The Nineteenth Mississippi Battalion (Lieut Col. W. L. Duff) having been increased to ten companies by the addition of four companies raised within the enemy's lines, will constitute the Eighth Regiment Mississippi Cavalry.

III. The six companies of Tennessee cavalry raised by Col. John F. Newsom and the four companies of the late Colonel Forrest's regiment will constitute the Eighteenth Regiment Tennessee Cavalry.

IV. The four Alabama companies heretofore attached to the organization known as McDonald's battalion, or N. B. Forrest's Third Tennessee Cavalry, are hereby transferred to Russell's Alabama regiment.

V. The seven companies now composing N. B. Forrest's Third Tennessee Cavalry will constitute the Twenty-sixth Battalion Tennessee Cavalry, to the command of which Lieut. Col. D. C. Kelley is hereby assigned.

VI. The regiment heretofore known as the First Mississippi Partisan Rangers will be known hereafter as the Seventh Regiment Mississippi Cavalry.

VII. The regimental organizations of the Fourteenth, Fifteenth, and Sixteenth Regiments Tennessee Cavalry, heretofore constituting a part of what was known as Richardson's brigade, are annulled, and the field officers of these regiments will no longer be regarded as in commission.

VIII. The following companies will constitute the Fourteenth Regiment Tennessee Cavalry: Capt. S. J. Cox's, Capt. John H. Deberry's, Capt. Zilman Voss', Capt. L. A. Thomas', Capt. E. W. Jacobs', Capt. W. J. Hall's, Capt. A. C. Reid's, Capt. James Gwynn's, Capt. E. S. Elliott's, First Lieut. C. C. Conner's. The field officers will be appointed.

IX. The following companies will constitute the Fifteenth Regiment Tennessee Cavalry: Capt. P. W. Moore's, Capt. J. L. Garrison's, Capt. H. T. Hanks', Capt. T. Nutt's, Capt. E. L. Hussey's, Capt. T. C. Buchanan's, Capt. R. B. Sanders', Capt. G. T. Penn's, Capt. P. M. Williams', Capt. J. A. Williamson's. The field officers will be appointed.

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By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

LIBERTY, *July 19, 1864.*

[Hon. JAMES A. SEDDON:]

DEAR SIR: I feel impelled by a sense of duty to apprise you of the state of public sentiment in this section of the State with reference to the schedule of prices recently adopted and published by the commissioners. It has cast a gloom over this community, and done more to destroy the Confederate currency than any circumstance which has transpired since the commencement of the war. I have conversed with many farmers on the subject, and have yet to meet with the first man who does not express the most profound regret on account of this action of the commissioners. They all say it was entirely unlooked for and has taken them completely by surprise. I am perfectly confident that the Government could have gotten just as much wheat in this county by offering $10 per bushel as by offering $30. Under a recent circular issued from your Department making an appeal for grain the people of this county will furnish liberally from their exhausted supplies, notwithstanding the enemy has recently visited us and foraged all over the county. The fears of patriotic men everywhere are aroused for the currency. They had fondly hoped that under the recent legislation of Congress the currency would soon be improved, but now they regard this action of the commissioners as a declaration on the part of the Government that the depreciation of the currency cannot and will not be remedied, and plain men cannot understand how the Government is ever to redeem its obligations and pay off a debt piled up at the rates fixed by the commissioners. In other words, they look upon repudiation as almost inevitable. It is in this view of the subject that our farmers would prefer to have their wheat taken at $10 per bushel than at $30. Again, all the counties of this Commonwealth have a large number of soldiers' families to support, and in doing so they find themselves compelled under this act of Assembly to resort to impressment. They cannot impress at a lower rate than the Government, and how can they pay the enormous debt which will be incurred by paying $30 per bushel for wheat, $24 for corn, and $25 for corn-meal? How are the non-producers of the country to live when the inevitable effect of this action must be to double the prices of the necessaries of life in the markets? The seller will say at once that if the Government is giving $30 for wheat the market price will be $60, and many of them will hoard with the expectation of realizing that price. I fully appreciate the difficulties which surround you. I know that the scarcity is great, and that our noble Army must be fed at all hazards, but have not the commissioners overrated the difficulties? Cannot the Army be supplied without inflicting this serious blow upon the currency? Regarding the recent action of the commissioners as more fatal in its consequences than the defeat of our armies in the field, I have taken the liberty of calling your attention to this subject with the earnest hope that their action may be either reversed or essentially modified.

Very respectfully, &c.,

JOHN GOODE, JR.

P. S.—If you deem it inadvisable to change the schedule with reference to the community generally, ought it not to be changed so far as the detailed men are concerned? They were very glad to take the details in order to avoid military service when they supposed they would be required to furnish corn at $4 and wheat at $5 per bushel. So far from rendering service to the Government, they will esteem it

an inestimable privilege to be allowed to remain at home and furnish their products at those rates.

J. G., JR.

[JULY 19, 1864.—For Brown to Davis, in regard to action of Confederate officers with reference to getting the militia of Georgia into the field for active service, see Series I, Vol. LII, Part II, p. 709.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 20, 1864.

Governor J. E. BROWN,
Atlanta, Ga.:

Your telegram of the 16th referred by the President to me. There is no principle of public law exempting the merchandise of a consul, and it might be a source of just dissatisfaction to make an exception.

J. A. SEDDON,
Secretary of War.

CAMP FIRST MARYLAND BATTERY,
Near Petersburg, July 20, 1864.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: I most respectfully beg leave to call your attention to the within-inclosed application for the discharge of certain members of my company, and the indorsement thereon of the Honorable Secretary of War. The facts I beg leave briefly to state are these:

On the 13th of July, 1861, the company was mustered into the service of the Confederate States for the period of three years or the war; consequently the term of service of the original members expired on the 13th instant. Not being aware of any act [of] Congress which changed the status of Marylanders, my application was made with the firm conviction that these men whom I represented as having faithfully served the term for which they were enlisted would be discharged. That they are subject to the conscription laws of the Confederate States, or that they as residents are liable under the same, I, in all due deference to the opinion of the Honorable Secretary of War, must acknowledge my inability to perceive. Believing, then, that until by representation in Congress or by its legitimate legislation otherwise exercised, the status of these men is changed, that they are entitled to an honorable discharge, I have deemed it proper to address this communication to you in the nature of an appeal, hoping that you, in your sound judgment and discretion, may see fit to reverse the decision of the Honorable Secretary of War.

I have the honor to be, very respectfully, your obedient servant,

W. F. DEMENT,
Captain First Maryland Battery.

[Indorsement.]

SECRETARY OF WAR:

As this appeal is founded on a construction of laws applicable to the case, I suggest that the record be presented with these letters and referred to the Attorney-General for an opinion.

JEFFERSON DAVIS.

[Inclosure.]

CAMP FIRST MARYLAND BATTERY,
McINTOSH'S BATTALION ARTILLERY,
July 8, 1864.

Col. W. H. TAYLOR,
Assistant Adjutant-General:

SIR: I respectfully ask for the proper authority to discharge certain members of my company (First Maryland Battery), whose term of service will expire on 13th of July, 1864.

Very respectfully, your obedient servant,

W. F. DEMENT,
Captain, Commanding First Maryland Battery.

[First indorsement.]

HEADQUARTERS McINTOSH'S BATTALION,
July 9, 1864.

Respectfully forwarded.

Captain Dement represents that the term of service of thirty of his men will expire on the 13th instant, and of others from that time until September; sufficient in numbers, if discharged, to break up the company. The men claim and expect to be discharged. But the act of Congress of February 7, 1864, retaining troops in service, makes no exemptions, and information is desired to know if the act applies to Marylanders.

D. G. McINTOSH,
Lieutenant-Colonel.

[Second indorsement.]

HEADQUARTERS ARTILLERY, THIRD CORPS,
July 9, 1864.

Respectfully forwarded.

R. L. WALKER,
Colonel and Chief of Artillery, Third Corps.

[Third indorsement.]

HDQRS. ARTILLERY, ARMY OF NORTHERN VIRGINIA,
July 9, 1864.

Respectfully forwarded, in absence of General Pendleton.

D. D. PENDLETON,
Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
July 9, 1864.

Respectfully forwarded for decision.

It is requested that this paper be returned as soon as practicable, as many similar cases are being presented and the views of the Department are not known.

For General R. E. Lee:

W. H. TAYLOR,
Assistant Adjutant-General.

[Fifth indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
July 15, 1864.

Respectfully returned through General R. E. Lee.

The Secretary of War has decided that Marylanders in service may justly be considered as staying in the Confederacy for an indefinite period, as residents; that they have cast their lots with us, and are liable to like duties in resisting a common enemy with our own citizens. These men will be retained in service.

By order Adjutant and Inspector General:

SAML. W. MELTON,
Assistant Adjutant-General.

STAUNTON, VA., *July 20, 1864.*

Honorable SECRETARY OF WAR:

SIR: I respectfully suggest the importance, in view of the condition of the crops in the Valley, of suspending at least for a time the recent call for the slaves and free negroes of that region to work on fortifications or for other governmental purposes. I also submit whether there is any law authorizing a draft of slaves in Virginia except according to State law and through the Governor and the county courts. The practical fact is that now all the free negroes in the Valley are kept constantly and profitably at work under an efficient police, and that none can be spared without great mischief.

Respectfully, your obedient servant,

JOHN B. BALDWIN.

[First indorsement.]

JULY 25, 1864.

ASSISTANT SECRETARY:

This presents the question raised by Mr. Baldwin relative to the power of impressing slaves in West Virginia, on which I should be pleased to have your opinion.

J. A. S.,
Secretary.

[Second indorsement.]

JULY 26, 1864.

SECRETARY OF WAR:

The act of March 26, 1863, allowed impressments generally for the "good of the service" (fourth section). The ninth section prescribed a mode for impressing slaves to labor on fortifications and public works. The tenth section contains a limitation on the impressment of slaves engaged in work on a plantation, except in cases of urgent necessity, prior to 1st of December following.

Under this act impressments for slaves might be made for other purposes than those specified in the ninth section as in other cases, July 16. The supplementary act to the general act above cited contains nothing to affect the question except that no slave employed on a plantation exclusively devoted to the production of grain should be impressed, except in cases of urgent necessity and by the command of the general commanding.

The matter stood thus until the act of 17th of July, referred to by Mr. Baldwin. This act authorizes the Secretary of War to employ slaves for the various military departments for the necessities of the departments, "according to laws regulating impressment of slaves in other cases."

There is some reason to argue that the special regulations in reference to the impressment of slaves in the ninth section of the act of 1863 are those referred to in this section and by this language, but it is hardly a sound construction of the act, except in reference to those slaves who may be wanted for fortifications and to labor on public works, as the act clearly contemplates that impressments of slaves for other service might be made under the general provisions of the impressment act.

Respectfully,

J. A. CAMPBELL,
Assistant Secretary of War.

GENERAL ORDERS, No. 60. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, July 21, 1864.*

I. Officers, contractors of the Government, and their agents are prohibited from purchasing or using wheat for feeding horses.

II. Agents, assessors, and employés on tax-in-kind service who are over forty-five years of age will not be molested by enrolling officers.

III. Paragraph 19, Medical Regulations (1163, Army Regulations), is substituted by the following:

An officer transferring medical supplies will furnish duplicate certified invoices to the officer who is to receive them, who shall furnish to the issuing officer duplicate receipts (specifying articles and quantities), accompanied by a report of the quality and condition of the supplies, and discrepancies, if any, between the articles received and invoiced, a duplicate of which report will also be sent to the Surgeon-General. With their returns of hospital property officers will forward to the Surgeon-General one of the invoices of supplies received by them and one of the receipts for supplies issued. A medical officer who turns over medical supplies to a quartermaster for storage or transportation will forward to the Surgeon-General the quartermaster's receipt for the packages. When a medical officer to whom stores are forwarded has reason to suppose them miscarried, he shall promptly inform the issuing and forwarding officers and the Surgeon-General.

IV. Paragraph 53, Medical Regulations (1197, Army Regulations), is modified as follows:

Every medical officer will report to the Surgeon-General and to the medical director the date when he arrives at a station or when he leaves it, and his orders in the case, stating the date of their reception, their nature, number, date, and source, and at the end of each month, whenever not at his station, whether on service or on leave of absence, and when on leave of absence his post-office address for the next month.

By order:

S. COOPER,
Adjutant and Inspector General.

BUREAU OF SUBSISTENCE,
Richmond, July 21, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to ask your attention to the following considerations:

The railroads now have no difficulty in bringing on whatever is offered; such is the report of the Quartermaster's Department. The purchasing commissaries at the south for one or two months past have been unable to collect subsistence. Funds insufficiently furnished do not suffice to furnish outstanding engagements. The people have seen the commissioners of appraisement fixing prices in relation to their view of the depreciation of the currency, thereby aggravated, and producers look for further advance without limit, and only part with their commodities when money is needed for payment of taxes and current expenditure, preferring an appreciating article to a depreciating currency.

Commissaries, therefore, cannot buy even if supplied with funds, and without them cannot impress. The law requires payment after all the preliminary difficulties have been surmounted, but the people South do not pay much regard to notices of impressment, oppose the process, and make other dispositions of their goods, refusing information thereon, while the civil law gives no remedy to unpopular proceedings instituted by officers in these cases. In addition to these difficulties the late schedule of Virginia for July and August will have a reflex action on the other States, and the poor, as usually happens, will be victims, including soldiers' families.

It is not to be expected that the first of a new crop (after that crop has been surely made) should outsell the grain when consumption has exhausted partially the surplus secured.

The estimated fund required by this Bureau to last till the next session of Congress was based on the cost of $2 per ration; its actual cost now is over $6. The means appropriated to meet the requisitions per month are not by one-third of what was the estimated expenditure per month authorized by the last law of Congress making appropriations for this Bureau. The requisitions made and unpaid are over $20,000,000 for this Bureau. Furthermore, the law respecting hospital commutations has created an expenditure needless and enormous, and the purchase of wheat and corn at $30 and $24, respectively, by the Virginia schedule and the reflex action on the other States referred to above calls for an expenditure which astounds and defies calculation.

The producers themselves who have not become blind by avarice see bankruptcy impending and attach no value to money so recklessly spent. The poor cannot buy at all, and the Treasury will be hopelessly wrecked.

As an illustration, in one of the counties I understand the court has appointed a committee to fix the market value of wheat, and they have placed it at $50 per bushel under the stimulus of the commissioners of appraisements, whose decrees have hitherto been below market prices, though in the present schedule they have aimed at reaching them by consulting men competent to deal in such matters, and, I understand, by adding near 50 per cent. to the point concluded on.

This action should be at once revised. The amount of currency in circulation warrants no such prices. The scarcity here has been

simply the measure of the difficulty of transportation hither of corn from the South. There has been always enough of breadstuff in the land to feed all the people and the Army. Furthermore, this appraisement in its consequent effects simply gives all the bonded agriculturists exemptions free.

Under present circumstances the Army cannot be subsisted, and immediate action is necessary and obvious.

Respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General.

[Indorsement.]

JULY 31, 1864.

It is more easy to see the mischief here than provide the remedy. The only true corrective is in a sounder and more acceptable currency.

J. A. S.,
Secretary.

[JULY 21, 1864.—For Seddon to Brown, in reply to Brown to Davis of July 19, see Series I, Vol. LII, Part II, p. 711.]

[JULY 21, 1864.—For Seddon to Cobb, in regard to proclamation of Governor Brown, of Georgia, see Series I, Vol. LII, Part II, p. 710.]

RICHMOND, VA., *July 21, 1864.*

The PRESIDENT OF THE CONFEDERATE STATES:

DEAR SIR: Permit me most respectfully to present you with a statement of facts which I deem of intense interest to the Confederacy and to my native State. The three-years' term of service of many of the gentlemen of my State who have served faithfully in the Confederate cause having expired, they have been informed, and believe, that they are entitled to an honorable discharge and are not liable to conscription.

They have come to Richmond for the purpose of obtaining what they deem their right, and have been met with indignity and insult and ordered to report to the Maryland Line. Many of these soldiers wish to recruit their health, or visit their families in Maryland, but none are willing to desert the flag they have so gallantly defended, as well you know. But I fear their sense of justice, if persistently denied, may drive them back to their homes, without your leave and to the degradation of themselves and State.

I most earnestly beg that you will apply such remedy as in your judgment may seem right and just.

And I am, most respectfully and truly, your obedient servant,

J. CALVERT,
Of Maryland.

[First indorsement.]

JULY 22, 1864.

Secretary of War for consideration and remarks.

J. D.

[Second indorsement.]

JULY 24, 1864.

Respectfully returned to the President.

I confess to little sympathy with either the position or spirit of the writer. He, in common with many other Marylanders (of Southern principles and sympathy), seems to take great merit for serving in our Confederate Army, and expects a different measure from what is exacted from our own gallant native soldiers. Now, to my conception, these Marylanders have more wrongs to avenge, more rights to assert, and more motives to service than even our own citizens, and should certainly not less cheerfully and bravely endure the sacrifices and perils of a return to the service. They are, too, in my judgment, clearly embraced in the terms of the law which exacts the service of all residents and plainly contemplates that soldiers in service should be retained.

I know no better description of a resident than one staying indefinitely—for a period which may endure for a long period—as, for instance, till the declaration of peace, and whose return then may be dependent on uncertain contingencies; and I have no hesitation in considering Marylanders here for the war as residents. Every privilege is granted them consistent with service, they being allowed to go to the Maryland Line and select their own companies therein. I know of no insult or offense offered to any, unless it may be that to one (not the writer, but a Mr. Simon, I think), who, in rather an offensive manner, desired to know if the Confederate authorities meant to deny or abuse the privilege of asylum to the refugee, and received rather sharply the answer that men were expected to unite in defending their place of refuge and not, like the feeble and helpless, to be sheltered by the bravery and manhood of others.

J. A. SEDDON,
Secretary of War.

TREDEGAR IRON-WORKS,
Richmond, July 22, 1864.

His Excellency President DAVIS:

MR. PRESIDENT: I take the liberty of representing to Your Excellency that I apprehend there will be great difficulty in carrying out any enterprise for the Government involving large expenditures unless the schedule of prices recently promulgated by the commissioners for the State of Virginia can be greatly modified and very promptly. Our agents at the blast furnaces (at least one of them) write that wheat was freely sold at $10 per bushel prior to the publication of the schedule, and all seem to concur that its effect will be almost to destroy the purchasing value of the currency. As a farmer it is to my interest to get a good price for my wheat, and as a manufacturer the increase in cost of supplies must eventually come out of the Government, so far as it consumes our production, but as citizens we are all interested in sustaining the currency of the country. I am not advised whether, under the law, Your Excellency has control of this matter, but I presume under advice the commissioners, whom I know to be patriotic and intelligent men, will reconsider their action and make it conform to what seems to be the public wish. At all events, as one citizen whose labors for the Government must be very deeply

affected by it, I venture to present to you my experience and apprehensions.

I have the honor to be, your obedient servant,

JOSEPH R. ANDERSON.

[First indorsement.]

Referred to the Secretary of War.

The subject is one of great interest, and has been considered in conference between us. This letter enforces the view that it is proper to act promptly.

J. D.

[Second indorsement.]

JULY 25, 1864.

The commissioners have been summoned.

J. A. S.,
Secretary.

RICHMOND, VA., *July 22, 1864.*

Hon. HERSCHEL V. JOHNSON,
Sandy Grove, New Barton Post-Office, Ga.:

MY DEAR SIR: Your favor of the 30th ultimo has been received,* and your suggestions on the subject of blockade-running have had from me the consideration which I always give to your opinions or suggestions. My message returning, with objections, the bill passed by Congress was not published until the 8th instant. A copy is inclosed to you, and if you please, it would I think be useful to have it published in some of your papers of widest circulation, as it contains such an exposition of the policy of the Confederate Government on the subject as will correct misrepresentations. While I am unwilling even to seem disobliging to those who have a common purpose with the Confederate Government, I am compelled by its present necessities to use full authority vested in me by Congress in this matter. I am persuaded that after understanding fully the difficulties surrounding any other course, and the obstacles thrown in the way of the Confederate Government by blockade-runners to defeat the legislation of a former session of Congress, you will concur with me in the necessity of not relaxing the regulations established. As soon as Congress had empowered the Executive to control this trade, so as to use our staples with the greatest efficiency and secure our Government against the monopoly and exactions of blockade-runners, these latter attempted to interpose the State authorities between themselves and the General Government, and thus evade the regulations. Charters thus effected are certainly not entitled to more than ordinary consideration. Many persons, not aware of the objects for which it was to be used, sanctioned with their approval the bill which authorized States to charter ships, &c., which I was compelled to veto, as it would have rendered unattainable the objects of previous legislation by enabling owners to place every ship in the trade under such control as to deprive the Confederate Government of their use and of the best means of obtaining the sinews of war. An amendment was passed during the last hours of the session authorizing the exemption from the regulations of vessels already chartered by States. I could not approve this,

* Not found.

because it was regarded as substantially liable to the objections presented in a message and sustained by the Congress. I was informed that arrangements had been made for such charters to such an extent that would have deprived the Confederate Government of the benefits it had just begun to realize from the policy of the law in regard to foreign commerce. The ships owned by the States are exempted from the regulation, and the State authorities are not prevented from chartering one-half of every vessel, one-half only being claimed for the service of the General Government. The whole of one vessel affords no greater commercial facilities to the State authorities than the half of two; but to allow them to absorb the entire tonnage of vessels under charters made with them by parties seeking to evade the law, would probably produce embarrassing results, which in the present urgent necessities of our country I cannot consent to encounter. I believe that a full consideration of the question, and of the stringent wants of the Confederate Government, charged as it is with the armament and equipment of large armies, and the solution of the financial difficulties which do not embarrass the States, will satisfy you as to the propriety of my present action. I therefore hope for and much desire to have the approval of your sound practical judgment of the course which I have felt it my duty to pursue.

Very truly and respectfully, yours,

JEFFERSON DAVIS.

[Inclosure.]

RICHMOND, VA., *June 10, 1864.*

THE HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

I herewith return to your honorable body, with my objections, a bill which originated in the House entitled "An act to amend an act entitled an act to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense," approved February 6, 1864.

The principal provisions of the bill are unexceptionable, but one of its clauses requires to be guarded by some restriction or modification in order to prevent serious injury to the public service. For a proper understanding of the subject it is necessary to state certain facts, probably unknown to many members, and which have an important bearing on the policy of the Government.

Prior to the passage of the act of 6th of February, 1864, the Government was without any means of making available the cotton and tobacco in its possession for the purchase abroad and importation of supplies essential to the conduct of the war and the efficiency of the Army, other than two or three steamers belonging to the departments, and such steamers belonging to private owners as could be obtained by contract. The prices charged to the Government were too excessive to be borne, while the profits of the private owners were so great as to enable them by the payment of extravagant wages and rewards to secure (against the possibility of competition on the part of the Government) the choice of the pilots, engineers, and other officers available for the service. The large majority of those engaged in the trade were foreigners who, by the aid of the fortifications and defenses established and maintained in our harbors at the Confederate expense, were thus enabled to accumulate rapid fortunes, while depreciating our currency and exhausting our country of the productions which form its most valuable resources for needful supplies

during the war. In the beginning these vessels were by consent of the owners made partially available for public purposes, and a portion of their tonnage was reserved for public use, but always at very extravagant rates. Subsequently, however, even these profits were insufficient to satisfy the demands of some of the traders, and attempts were made to enhance gains by bringing State and Confederate officials into competition for the use of the vessels. The evil effects of the system were so apparent that the act of the 6th of February last was passed by your predecessors, and under its provisions regulations were adopted which were intended to guard the public interest, while still offering to private owners adequate profits to induce a continuance of the trade. For some weeks after the adoption of these regulations strenuous efforts were made by parties interested in the business to induce a relaxation of the regulations. Many of the vessels remained unemployed on the allegation of the owners that the terms imposed by the regulations were so onerous as to render impossible the continuance of the business. The regulations remained unchanged, for I was satisfied, from an examination of the subject, that this complaint was unfounded, and that the withdrawal of the vessels was an experiment by a combination among the owners on the firmness of the Government. The result proved the correctness of the view, for, after various attempts to obtain increased advantages, the vessels resumed their voyages. Their number has been largely increased, the ability to export produce and import supplies on Government account has been developed to a greater extent than had been anticipated, and the credit of the Government has been so improved in foreign markets that the quotations for its loan have rapidly advanced.

It is proper here to observe that among the efforts made to induce a change of the regulations, was a warning given to ——— officers of the Government that the owners of vessels could make better bargains with Governors of States than with the Confederate Government, and that if the regulations were not relaxed in their favor, they would transfer their vessels to the Executives of the several States and thus withdraw them from the operations of the regulations.

Reverting to the terms of the act of 6th of February, 1864, it is to be observed that by the fifth section it was provided that nothing in the act "shall be construed to prohibit the Confederate States or any of them from exporting any of the articles herein enumerated on their own account." Holding in view this expression of the legislative will, the regulations authorized by the law were formed and are now in force, based substantially on the following policy:

First. That every vessel owned by private persons shall be considered on every voyage as chartered to the Confederate Government for one-half of her tonnage, outward and inward.

Second. That all private owners of cargo exported from the Confederacy shall bring in return supplies equal to one-half of the proceeds of their expected cargo.

Third. That the several States shall remain at liberty to charter the other half of each vessel, and shall be free to carry out or bring back cargo on that half without being subject to the regulations.

It will be perceived that the policy of these regulations places the several States on an equal footing with the Confederate Government so far as is possible, the only difference being that while the Confederacy imposes a forced charter for one-half of the tonnage in its own favor, it has no authority to do more for the States than to leave the

other half subject to their use by charter obtained by consent of the owners.

When these regulations were accepted by the owners of vessels they amounted in substance to an agreement on their part to charter half of their tonnage to the Confederacy on every voyage at the rates stipulated in the regulations.

Now, the bill which I return to the House makes three provisions:

First. That cargo shipped by the States shall not be subject to the regulations, and to this there can be no objection. It merely reaffirms the law as it stands.

Second. That vessels owned by any State and employed for the exclusive use of the State shall not be subject to the regulations; and to this no objection is made, as it places vessels owned by any State on the same footing as vessels owned by the Confederacy.

Third. That vessels chartered by any State for its exclusive use shall not be subject to the regulations; and this is the provision to which objection is made, because it is liable to a construction which would authorize the States, instead of chartering from the owners of vessels in the trade, only that half which remains at their disposal under the regulations, and thus preserving equality with the Confederate Government in this matter, to charter the entire tonnage of the vessels, thus depriving the Confederacy of a resource now at its disposal, and without which very serious embarrassments to the public service would ensue. When it is remembered that the number of private vessels in the service is limited, that the profits of exporting produce are very large, that the temptation to engage in the business will be great, it is easy to perceive how grave might become the consequences of sanctioning a system under which the several States and the Confederate Government would be competitors for contracts with the owners of the vessels engaged in this commerce, and how imminent the risk that the Confederacy would be deprived of this indispensable means of carrying on the war.

I trust therefore that the House will concur in the opinion that the words "or chartered" should be stricken out of the closing sentence of the bill, or that a clause should be added providing "that nothing in this law shall be so construed as to affect the rights of the Confederate States under existing regulations to the use of one-half the tonnage of each vessel engaged in the trade, except such as are owned exclusively by a State."

JEFFERSON DAVIS.

WAR DEPARTMENT,
Richmond, July 23, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

SIR: Your letter of the 5th instant has been received, having been delayed for some time in its coming by the interruption of the postal communications. This Department stated to you in its letter of the 5th of May last the principle which regulated its conduct. That principle is that Congress by the act of the 17th of February last continued in the service all the persons who were then in service for the war who belonged to the class between eighteen and forty-five years; that Mr. Russell was of that class and was not withdrawn from it by any of the sections of the same act or of any previous act.

In your letter of the 19th of May you contested that rule with assumptions and arguments that did not carry conviction to the mind of the Department. If the Department were to admit the assumptions it would admit that the Legislature of North Carolina could withdraw from the military service the troops of that State whenever in their judgment they were necessary for State service. This would be to reverse the rule established in the Constitution of the Confederate States and paralyze the faculties of the Confederate Government for the carrying on of the war. The Department has conceded many things to the government of North Carolina with the view to secure a cordial co-operation of the government and people in the defense of the country in the great struggle in which it is now engaged; but it cannot make a concession of a principle so vital as the one contained in the question under discussion. If Mr. Russell be legally liable to military service he should render it, and the Department cannot, in justice to others similarly situated, bend the law so as to discharge him.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 23, 1864.

General W. H. C. WHITING,
Wilmington, N. C.:

Should you arrest Russell and have him in custody you had better make return to any writ that may be served that you hold him under the law suspending the writ of habeas corpus for seeking to evade military service.

J. A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, July 26, 1864.

Hon. J. A. SEDDON,
Secretary of War, Richmond:

SIR: I return herewith the application made in behalf of the State of Virginia to be allowed to control the production of the Matoaca Manufacturing Company at Petersburg, now under contract with this department. The liberal spirit always manifested by the Governor of Virginia in connection with the State resources calls for all the concession that can be made. Still, this appeal is not without its difficulty, especially as the factory referred to is by large measure the most productive establishment within the State. I have aimed for some time, as you are aware, to increase the yield of the cotton and woolen factories to a point which would enable this Bureau to respond to the demands of the other branches of the service. Throughout the extreme Southern States one of the greatest difficulties encountered proceeded from the State Executives who sought to provide for the wants of the soldier and relieve also the necessities of the people. The Governor of Florida controls the only factory within that State, and the Governor of Georgia monopolizes the production of four within that State through details controlled by him.

Governor Watts, of Alabama, has just made an appeal for a similar favor, while now, as all along from North Carolina, owing to the peculiar policy pursued by that State, we draw not a single yard of any kind of material. These encroachments and concessions go far, you will see, to defeat the accomplishment of the object in view. I feel satisfied, too, that it would be better for the State authorities to allow this department to control the factory products so far as they may be needed for military purposes, and abstain, at least as far as home resources are concerned, from their auxiliary efforts to clothe the Army. The necessities of the people and objects of charity must be postponed to the wants of the Army, and as yet we have never secured from the factories as much material as was needed. I have been thus particular because of the quarter from which this call comes, and of the fact that in spite of its merit I feel compelled to suggest that one of the medium-size factories be taken for State purposes, if one must be had, rather than the one applied for.

Your obedient servant,

A. R. LAWTON,
Quartermaster-General.

[Inclosure.]

COMMERCIAL AGENCY OF VIRGINIA,
Richmond, May 25, 1864.

His Excellency the GOVERNOR OF VIRGINIA:

SIR: Application has been made to every cotton factory in this State and in North and South Carolina and Georgia to which access could be had in the hope that I might be able to obtain cotton cloth and yarns. In Virginia the universal response has been that the whole working capacity of every mill is entirely absorbed by the Confederate Government. In the other States I was assured that the Confederate Government had contracts for the entire produce after their respective States were supplied. The result is that I could not obtain from a single factory a single pound of yarns or yard of cloth, nor even a promise of any in a remote future. The agents of the Matoaca Factory in Petersburg expressed a great desire to supply the State, and are willing to have Virginia substituted for the Confederate Government. The benefit of this arrangement, which needs only the assent of the Secretary of War to this agency, would be immense and enable our very poor to reap the same. Virginia alone has yielded all to the cause. She has not in this struggle thought of herself, and but for her necessities would not now interpose even a wish which might impede or in anywise interfere with the Confederate Government. The loss of this one factory cannot materially affect the Government, while the gain to Virginia would be immense. The whole dependence of this agency now for supplies is upon second hands. This increases the cost to our people. The wants of our people are too well known to you and the Honorable Secretary to say more. I trust that he will not hesitate upon your application to transfer the Matoaca factory to this agency.

Very respectfully,

S. BASSETT FRENCH,
Commercial Agent of Virginia.

[First indorsement.]

MAY 30, 1864.

Quartermaster-General for inquiry and report how far this factory can be yielded or shared with the State. It is desirable some power

should be allowed the State to carry out the beneficent end of the late State law to supply these people at less inordinate prices than the manufacturers charge the public.

J. A. S.

[Second indorsement.]

JULY 28, 1864.

Retain for conference with the Governor of Virginia.

J. A. S.

[Third indorsement.]

JULY 28, 1864.

In answering give copy of General Lawton's to the commercial agent of the State.

J. A. S.

(Copy sent July 29, 1864.)

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
July 26, 1864.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I respectfully submit that the generals of reserves for the several States should be authorized to effect some organization of detailed men for military purposes. It is already settled that these detailed men constitute part of the reserve forces. Eight thousand men have already been detailed in Virginia; besides these there are at least 25,000 applications for detail pending in this State. There are 11,000 cases pending in two Congressional districts alone. Most of these are able-bodied men, and could render good service in emergencies. Now, it will not do, as a general rule, to incorporate these detailed men with the permanent companies of reserves. A reserve company is but seldom stationed for service in the county in which it was raised. Some of them are now serving at a distance of from 100 to 200 miles from their homes. A raid may be made upon a county when the reserve companies of that county are thus absent upon distant service, and there being no officers at home to call them out and embody them, no organization to which they could attach themselves, they could not be made available for local defense. It therefore becomes necessary to organize these detailed men into local companies at home. In this way only can they be armed, drilled, and made fit for service. Besides, if these local companies are formed many able-bodied men who are exempt from all military duty will join them, provided the guarantee is given that the companies will not be called out except in emergencies and for the defense of their own section. I have ascertained that in this way I can raise 300 additional men in Halifax County alone, who could be quickly moved to Staunton River bridge in case of another attack on that point. In obedience to your suggestion I inclose the rough draft of an order which would accomplish the objects indicated.

I have the honor to be, very respectfully, your obedient servant,

J. L. KEMPER,
Brigadier-General.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
July 26, 1864.

Respectfully submitted to the Secretary of War.

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

JULY 27, 1864.

ADJUTANT-GENERAL:

The idea is approved. Let the order be thus: All detailed men, including those between eighteen and forty-five years of age, being in the military service, should be arranged into companies and appropriate organizations by the commander of the reserve forces, to whom they will report, and who will command them. They are not expected to be called out except in emergency, occurring in or near the counties of their abode; nor will service be exacted of them beyond that county and those contiguous thereto. All exempts will be allowed and are invited to enroll themselves with such companies, so as to be prepared to aid in defending their homes when menaced by the enemy.

J. A. S.

[Inclosure.]

All detailed men, including those between eighteen and forty-five years of age, constitute a portion of the reserve forces. Their names will be borne upon the rolls of the companies of reserves organized in the company districts in which they severally reside, and will be called out for active service with their respective companies in and during emergencies; or the said detailed men may, at the discretion of the generals of reserves, be organized into independent companies for local defense and special service. The local companies of detailed men which may be organized under this order will not be required to perform service beyond the limits of the section in which they were severally raised, and will not be called into the field except in and during emergencies for the defense of their respective sections. They will be armed, disciplined, and regularly drilled under the direction of the generals of reserves. All persons capable of bearing arms who are exempt from military service will be allowed to be mustered into the local companies authorized by this order.

NEGROFOOT POST-OFFICE,
Hanover County, Va., July 27, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: Since the publication of the last schedule the people of this section are terribly alarmed and pronounce the notes and bonds of the Confederate States of very little value, for if Government will pay five times more now than was paid by the former schedule for wheat they acknowledge a sad state of things, and people argue repudiation must be the ultimate result.

I implore and beg of you to use all your energies to remedy this great evil and likewise to aid all in your power the Secretary of the Treasury to restrict the gold hucksters to reasonable rates for specie, for our currency is certainly better than the Yankee issue, and what prevents a schedule to be fixed for them?

Since the schedule is published physicians have raised their charges from $6 a visit to $45, to keep up with the price of wheat and corn.

The wheat crop here is not larger than the last, but much superior in quality, and prospects for corn very good.

I remain, with much regard, your humble servant,

A. W. NÖLTING.

[JULY 28, 1864.—For proclamation of Governor Brown, of Georgia, banishing aliens who refuse to volunteer for defense of the State, see Series I, Vol. LII, Part II, p. 714.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 28, 1864.

His Excellency JOHN MILTON,
Governor of Florida:

SIR: Your letter of the 30th ultimo, relative to the appointment of commissioners to take testimony concerning the losses sustained by the citizens of Florida by the illegal conduct of the military authorities of the Confederate States, also in reference to the controversy between the railroad company and certain officers of the Confederate States, involving a complaint on the part of a circuit court in Florida, and requesting the appointment of a suitable officer for the command of the troops in that State, has been received.

The case you describe in your letter of losses inflicted upon citizens by unauthorized or wanton acts of military authorities has not been provided for by any act of Congress. Congress has not acknowledged its responsibility to such claims, nor have they provided for their examination. They have provided for the sequestration of the property of alien enemies to indemnify those who may suffer from confiscation acts of the United States.

For the perpetuation of testimony in cases in which property has been seized, wasted, or destroyed by the enemy, and slaves captured or abducted by them; for perpetuation of testimony where property has been destroyed, either by the military authorities or by the owners, to prevent its falling into the hands of the enemy, the act of the Provisional Congress, No. 270, specifies the mode in which testimony in these cases shall be taken; and as it is analogous to the case presented in your letter, I would suggest to Your Excellency the adoption of the mode there prescribed. The act of the first session of the First Congress, chapter 5, page 2, relating to the destruction of property by military authorities to prevent its capture, adopts the same act, and directs that the mode of proceeding designated may be pursued in that case.

The persons you have recommended will be appointed commissioners under the act of Congress "for the establishment and payment for a certain description of property taken or impressed for the use of the Army." The title of the act shows that it is limited to a certain class of property (army supplies) for the use of the Army, and the object of the act is to collect testimony of the claims for the consideration of the accounting officers of the Treasury. The claims mentioned in your letter are included in the act. The commissioners can be instructed to receive testimony upon the class of claims you mention, but their report will have to receive the sanction of Congress before the accounting officer could act upon it.

No act of Congress has recognized the liability of the Government for such claims as you mention, nor made appropriation for their payment. The Department sincerely regrets the disagreement, conflict, or irritation between the authorities of Florida and the Confederate States. The patriotism and self-sacrifice of the people of Florida and the cordiality with which their government has supported the common

cause are fully recognized by this Department, and it would fail in its duty if it did not avoid as far as practicable affording them any cause for complaint.

Your Excellency must remember the obstructions that have been opposed to the removal of the iron on the Florida Railroad for the completion of the necessary military connections between Florida and Georgia. You can testify to the care that the Department has exercised in obtaining the best opinion and in forming a just conclusion on the subject. You can bear witness to the urgency of the measure for the common defense. Congress has passed an act empowering the Secretary of War, "whenever he shall be of opinion that it is necessary to take private property for public use, by reason of the impracticability of procuring the same by purchase, so as to accumulate necessary supplies for the Army or the good of the service in any locality, he may, by general orders, through the proper subordinate officers, authorize such property to be taken for the public use."

The Confederacy is now in the fourth year of the war. Its ports have been blockaded, and its foreign commerce nearly destroyed. The great highways of commerce in time of peace have been used as military highways in this war. They have been greatly impaired by the use and have suffered from the raids of the enemy. The necessity of taking iron from the less valuable roads in order to repair those more necessary is an imperious necessity. The Department cannot sustain the armies in the field without a resort to this expedient. One would think that honor, patriotism, and public spirit would dictate a proffer to the country of property of the kind in such an emergency, and that shame would prevent the use of any obstructive measures against an object so necessary to the public safety.

The Department has not, for the most part, had its expectations fulfilled in this particular. Injunctions and other forms of delay have been resorted to in order to prevent its action under the act of Congress in such cases by railroad corporations and other representatives of individual interests.

The question arises, by what authority does a circuit court in one of the States issue an injunction against the officers of the Confederate Government who are performing a duty under an act of Congress? Such a power was not supposed to exist in the courts of the States under the Constitution of the United States. The officers of the United States were certainly liable to be sued in State courts for any misconduct or illegality, but their official functions, whether they were judicial or executive officers, were not supposed to be subject to the jurisdiction or control of the State authorities. The consequences of an attempt to exercise such a control would generally be injurious and might be fatal. The Department does not know to what length such an interposition might not be carried.

Are the generals on the field subject to an injunction whenever they establish a camp on private property or infringe the right of individual ownership? Must the collector of taxes submit to restraints of the same kind in their functions of assessing and collecting the revenues? Can the Department on Foreign Affairs be enjoined from negotiating treaties or conceding commercial advantages? Can the Postmaster-General be inhibited or restrained from selecting a particular route for his post road? Are the Executive Departments of

the Confederate States, in exercise of their ordinary functions under Confederate laws, subject to the State writs of injunction, mandamus, &c.?

The power to take private property for public use is one of the great powers of Government. In this case its exercise has been delegated to one of the Executive Departments of the Government. Its exercise at this time is invoked by a great public exigency, in which all the Confederate States are concerned, and it is affirmed that the power to prevent or restrain this can be given to an inferior judge of one of the States, an officer in no wise responsible to this Confederacy.

The Department has in a multitude of cases yielded to the exercise of authority by State judicial authorities in cases in which it was exceedingly clear the judgment was erroneous and the power to decide did not exist. In some cases the judges have undertaken to examine a conscript in open court, and to pronounce, in opposition to the Medical Board, that he labored under a physical incapacity for field service, and discharged him; in other cases have withdrawn a soldier from the Army to detail him to manage private business, and the Department would be glad in this case to show its respect for the officers of Florida by yielding to its claims for jurisdiction without any contest; but Your Excellency must see that delays are dangerous, and may be to the last degree pernicious to the interests of the whole Confederacy.

Concession here involves the necessity for concession elsewhere. The great highway in Alabama has been seriously damaged for twenty-five miles. Those of Georgia may be reached by the enemy at any time. Those in Virginia and North Carolina are at all times in peril. The Department must employ all the power that it has to obtain the means to repair mischief and damage.

A just regard for the structure of our Government, for the grave and responsible duties that are imposed upon its members at the present time, and for the imminent danger in which we are all involved, would seem to require that the authorities of Florida should not interfere to embarrass the operations that have been commenced. Such have been the interruptions in postal communication that this Department has not had a copy of the record in the case, and does not know what the allegations of the bill are. As soon as practicable answer will be made to the mandate of the court, but it is urged and hoped that there may be no delay in the prosecution of the necessary construction of the road.

The Department will instruct the officer commanding in Florida upon the subject of the treatment due to the women and children who are referred to in your letter. There will certainly be every disposition not to aggravate to them the severities necessary to repress the crimes of deserters and disloyalists.

The commissioners recommended by you have been approved under the recent act to take evidence in case of irregular impressment, &c. The President has now under consideration the propriety of relieving Col. Caraway Smith by some other officer, who may in some larger measure command your confidence and that of the people of your State.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 29, 1864.

General G. T. BEAUREGARD,
Commanding, &c.:

GENERAL: I have the honor to acknowledge your letter of the 19th instant, transmitted through the Adjutant-General, having reference to the numerous deserters from the Federal Army. It is certainly very important to encourage such desertion; but the disposition of deserters is one of the most embarrassing subjects that has come under the consideration of the Department. Whenever they have been turned loose upon parole, exacted of fidelity or good behavior, they have soon proved themselves disaffected or turbulent and been productive in our cities of serious disorders and crimes. Efforts have been made at different points to arrange workshops on which they could be employed on wages; but if near cities, disorderly proceedings have resulted, and if at distant points, the people of the vicinity have become seriously alarmed, and have remonstrated against the effect produced upon the slaves. In some instances in which they have been sent to the owners of mining and manufacturing establishments, the owners of slaves engaged in the same works have withdrawn them or threatened to do so, and the people of the vicinity have insisted on the removal or confinement of the deserters. In several instances some of these very deserters, who, after remaining a short time, have disappeared, have been recognized in raiding parties of the enemy acting as guides. In consequence we have been for the most part obliged to consider deserters as prisoners of war until opportunity offered to allow them to pass across the borders, when that privilege has been accorded them. I cannot, therefore, think it would be judicious for the Government to come under any pledge to subsist and permit them to go anywhere they might please. The utmost that could be done would be an assurance that they would not be injured; that horses or equipments brought by them would be taken at fair valuation, and that when suitable opportunity offered they would be allowed to pass the lines. As far as practicable, the Department has tried to induce among our people living behind the enemy's armies the sentiment which their own safety likewise inculcates—that they should favor the rapid transit of deserters, and facilitate their passage of the rivers on their way to the United States. As far as may be in your power, it might be well to promote such feeling and action on the part of the people in the vicinity of General Grant's army.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., July 29, 1864.

Hon. J. B. BALDWIN,
Staunton, Va.:

SIR: I have the honor to acknowledge your letter of the 20th instant, urging the importance of restoring the slaves and free negroes of the Valley District to aid in saving the large crop of that section.

I entirely agree with you in reference to the importance of retaining all the labor which can be spared consistently with more pressing

and immediate necessities. Recent triumphs of our army in the Valley will probably prevent the necessity of any immediate call on the reserves, and it is hoped they, together with the slave labor, will suffice to secure the crop.

In relation to the power of impressment of slave labor, I have examined the laws and had the benefit of Judge Campbell's counsel on the points presented by you. It seems to me clear, to prevent the operation of the Confederate law, it would be necessary the States should have provided laws of impressment coextensive with the necessity intended to be met. As such is confessedly not the legislation of Virginia, the Confederate law in regard to impressment must, on just principles of construction, be held applicable to the slaves of that State.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CIRCULAR No. 27.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., July —, 1864.

I. Paragraphs IV, V, VI, VII, and VIII, of General Orders, No. 57, Adjutant and Inspector General's Office, current series, are herewith made a part of this circular, and the attention of commandants of conscripts and of disbursing officers attached to the conscript service is especially called thereto.*

II. The following additional and special regulations are established in accordance with the above-recited paragraph VIII, of General Orders, No. 57, relative to the disbursement of the appropriation for the conscript service:

1. The quartermaster at the headquarters of the commandant in each State, or the quartermaster designated for that service by the commandant, will make monthly estimates for funds to cover the probable necessary current and extraordinary expenses in that State for the succeeding month. He will also every two months make an estimate of funds for "the pay of officers, non-commissioned officers, privates, and clerks" belonging specially to this service for the period of two months. These estimates will cover all the expenses of the service in the State for the period specified, and will in all cases be approved by the commandant and forwarded in time to secure prompt remittances.

2. As ordinary care and foresight will generally secure timely remittances of funds, the creation of debts by disbursing officers is expressly forbidden except upon the approval and by the order of the commandant of conscripts, who shall in such case set forth the reasons for the creation of such debt. No outstanding debt will be recognized by the Bureau unless it shall have been created in this mode.

3. All accounts or claims for personal expenses of officers or others traveling under special orders of commandants of conscripts shall be examined by the officer giving the order, who, if he approve them, shall order payment by the quartermaster. Accounts or claims for extraordinary expenses shall also be examined by the commandant of the State where they were incurred and shall only be paid on his approval and order.

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*For paragraphs mentioned (here omitted), see pp. 517, 518.

4. Detachments without a quartermaster, whether commanded by a commissioned or non-commissioned officer, will be supplied with forage in the mode prescribed by General Orders, No. 135, Adjutant and Inspector General's Office, series of 1863.

5. Stationery will be issued in the mode prescribed by paragraph 1014 of the Army Regulations. If, in the opinion of the commandant, a greater quantity than is therein allowed be necessary for the service, he will order the additional issue to be made. The quartermaster at the headquarters of the commandant will provide the necessary amount of stationery for the whole State by requisition on this Bureau.

6. Hereafter no estimates will be sent forward for the commutation value of rations. The Bureau of Subsistence will furnish rations in kind or pay their fixed commutation value, and, if need be, authorize their being purchased in the open market. In this matter officers of this Bureau will observe the rules and regulations of the Bureau of Subsistence.

By order of Col. Thomas P. August, acting superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

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8 AUSTIN FRIARS, LONDON, *August 1, 1864.*

His Excellency President DAVIS:

SIR: I am just in receipt of a letter from Maj. Simeon Hart, of San Antonio, Tex., in which he informs me he is ordered by his superior officer to cancel a contract entered into with me on the 16th of December, 1862. As this cancellation is reflecting dishonor upon me and withholding from me my just dues, and which alone will enable me to discharge the honorable engagements I have made for arms, &c., for the Government in this city, and as this act is inflicting upon me the greatest possible injustice, I have by this mail forwarded to Hon. J. P. Benjamin a full statement of the facts of the case, to which I have the honor to refer you. Also referring Your Excellency to Hon. Duncan F. Kenner and L. Q. C. Lamar, and praying that you will cause the cancellation rescinded at once and justice to be done me, which is all I claim; and regretting the necessity that has compelled me to call your attention to this matter, and hoping God will grant us an early peace,

I am, Mr. President, very respectfully, your obedient servant,

NELSON CLEMENTS.

[First indorsement.]

SEPTEMBER 12, 1864.

Secretary of War for attention.

J. D.

[Second indorsement.]

SEPTEMBER 14, 1864.

To Colonel Bayne for inquiry, consideration, and report.

J. A. S.,
Secretary.

[Third indorsement.]

SEPTEMBER 17, 1864.

Respectfully returned to the Honorable Secretary of War.

On December 16, 1862, Mr. Nelson Clements addressed a letter to Maj. S. Hart proposing to deliver, on certain terms, at Matamoras,

rifles, shoes, &c. The deliveries were to commence within four months after January, 1863. The proposal was accepted by Major Hart. Copy of the correspondence is inclosed. This is the contract of which Mr. Clements speaks. I am not informed that any deliveries have ever been made. The Caroline Goodyear, schooner, freighted with arms by Messrs. Sinclair, Hamilton & Co., under some private arrangement with Mr. Clements, was captured by the French fleet off the Rio Grande, but after much delay released, conditioned not to deliver her cargo at any Mexican port. The cargo was landed at Havana, thrown on the market, and purchased by Colonel Helm. It having been represented to the State Department by its agents abroad that Mr. Clements' efforts to sell his contract were doing great damage to the credit of the Government, and no deliveries having been made within four months after January 1, 1863, the order of which Mr. Clements complains was issued.

JOSEPH DENEGRE,
Captain in Charge.

[Inclosure.]

HOUSTON, *December 16, 1862.*

Maj. S. HART:

DEAR SIR: I am willing to proceed to Europe at once and use my means and my best exertions to procure 20,000 stand of muskets or Enfield rifles, with all appurtenances, 5,000 revolvers complete, 5,000 sabers, French army shoes, blankets, gray cloth and trimmings, twilled flannel, twilled flannel shirts, and felt hats, the whole invoice not to exceed $1,000,000. If the 20,000 stand of muskets or Enfield rifles cannot be obtained, 10,000 I agree to furnish, and as many of the other articles as I can obtain, and commence to deliver to you at Matamoras within four months from the 1st of January, 1863, with the agreement and understanding that you pay me on delivery of said invoice 100 per cent. upon invoice cost and charges in cotton on shipboard at the port where said goods are delivered, at 30 cents per pound. It is also agreed that there shall be no delay in furnishing the cotton. The arms are subject to proper inspection.

Very respectfully, yours,

NELSON CLEMENTS.

I accept above proposition to furnish the above-enumerated public stores.

S. HART,
Major and Quartermaster, C. S. Army.

Approved.

J. B. MAGRUDER,
Maj. Gen., Comdg. Dist. of Texas, New Mexico, and Arizona.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 1, 1864.

Hon. COLIN J. MCRAE:

(Care of Fraser, Trenholm & Co., Liverpool, England.)

SIR: I have received the memorandum of agreement made by you with Mr. Alexander Collie, wherein he agrees to purchase, under your instructions, army supplies to the value of £200,000, to be delivered in the Confederate States.

Acting in the spirit of clause 10, I have directed a cargo to be furnished for the Falcon, carrying 1,000 bales, although she brought in

supplies only to the value of £3,000, and came in at Wilmington, where we cannot generally supply the cotton under the contract. The price at which we are to receive the goods is low; that is prime wholesale cost, inland carriage, and 2½ per cent. commission, with 50 per cent. upon the prime cost. I suppose that, making due allowance for expenses of transportation, risk, &c., the above will not give Mr. Collie much profit, but his real profit will be in the price of cotton. So long as the sea transportation is adequate to carry all the cotton that can be brought to Wilmington or Charleston on the railroads, and it can be sent out under the regulations, or in our own vessels, it is clearly our interest to realize the proceeds abroad, rather than to use it in our own port. It will be cheaper for us to pay in sterling rather than in cotton. Hereafter we will endeavor to provide the purchasing officer abroad with what is requisite to meet the wants of the War Department, and will narrow and revoke all previous contracts that we can consistently with the good faith of the Government. The present contract does not indicate the port at which the goods are to be delivered, and I have suggested to Mr. Collie that the Government will elect to take delivery at Mobile or Florida ports, immediately accessible to railroad or water navigation, and can there provide the cotton.

The Honorable Secretary of the Treasury says that "it will be impossible to forward it at Atlantic ports; that there are only 14,000 bales of Government cotton east of Alabama, and this quantity is scattered about over the face of the whole country on the plantations."

Under the fifth clause the question has arisen as to whether duties were to be paid by Mr. Collie or the Government. The view taken by the Secretary of the Treasury and by me is that the goods are not the property of the Government, nor at its risk, until they are delivered to its agents in the port; this involves the unlading of the vessels and payment of the duties by Mr. Collie. The coupons of the new 6 per cent. bonds are received for duties; the duties, therefore, will not amount to any large sum.

The ninth section, I fear, conflicts with the regulations, the administration of which rests with the Secretary of the Treasury. But each free cargo of supplies will place us so far in arrears that the question will not be of great importance.

Mr. Watson, agent for Mr. Collie, states that this clause was inserted in lieu of certain commissions, and that if the clause cannot be executed under the law and regulations, then some compensation should be allowed to him. I would like to have your views on this point. Upon application of Mr. Watson I have issued certificates to carry out clause 11 of the contract.

Every effort is now being made to move to the ports cotton to be sent abroad for the Government, and I hope to see the shipments largely increased, and feel more and more impressed with the view that cotton may yet be made the means not only to provide us with all the supplies required, but to improve our currency at home.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[AUGUST 2, 1864.—For General Orders, No. 52, Army of Northern Virginia, regarding "the rights of certain enlisted men * * * who claim a discharge from active service," see Series I, Vol. XLII, Part II, p. 1157.]

BUREAU OF CONSCRIPTION,
Richmond, Va., August 2, 1864.

General B. BRAGG,
Commanding, &c.:

SIR: In the course of an explanation covering other matters, Major McCrady, commanding a camp of instruction at Madison, Fla., addressing Lieut. Col. T. A. McDonell, an inspector, under your orders, recapitulates incidentally the history of certain orders issued by the latter to the former and complied with.

Whenever the report of your inspector may be placed in your hands and your convenience may permit, your attention is respectfully invited to the apparent illegality of the particular orders referred to. The occasion suggests also a question to which your consideration is invited as to the propriety of defining to your inspectors their relations to the officers of the conscript service.

The Bureau will receive with attention and respect any suggestions or information communicated by you relative to the operations of the conscript service that may be developed in the inspections of your officers, and suppose that nothing more is desired by yourself.

It cannot, however, recognize those inspectors when not acting under special arrangement or by authority emanating from the President or Secretary of War. The position created for it in its inception by General Orders, No. 82, of 1862—paragraph 4 of section II—and 112 of same series is one which it is not authorized to waive even if it would not lose character and usefulness by so doing.

The Bureau is charged with the conduct of a system the administration of which should be uniform and governed by one head. Upon it rests the primary responsibility before the country of protecting legal rights as well as enforcing lawful obligations. None of its officers should, therefore, be held liable to obey any exceptional orders from an eccentric source and conflicting with the general tenor and system of their instructions. If they are reported and they are found to be in error or derelict, they will be corrected or removed.

The Bureau has its own system for obtaining information by reports and inspections, and also entertains all queries, complaints, or suggestions from any source, civil or military, whether those relate to the general working of its service or to particular questions at issue. All such matter is examined and reported upon to the Bureau for its action by the inspector-general of conscription.

In the particular case which has suggested this letter it would seem that the conscript officer has through deference to supposed authority allowed himself, though knowing it to be wrong, to be made the instrument of violating legal rights. The act of October 11, 1862, for the examination of enrolled men, permits them to be put in the Army through one only channel, referring the question of physical ability to be determined by one only tribunal, and there is no Executive authority in the Confederacy that can prescribe any other process or examination. Colonel McDonell, acting doubtless from zeal for the good of the service, appears to have set aside the law and ordered men into service upon the opinion of a tribunal before which they were sent by his direction and which was without lawful authority to act.

A copy of the letter of Major McCrady is inclosed herewith, and the passages referred to are marked with red ink.* The ultimate return

*Not found.

of his letter is requested for the files of this office, as the original will doubtless be transmitted to you with the inspection report.

I am, general, very respectfully, your obedient servant,

T. P. AUGUST,
Colonel and Acting Superintendent.

SPECIAL ORDERS, No. 181. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 2, 1864.*

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V. Col. William Miller, of the First Regiment Florida Volunteers, is relieved from duty as commandant of conscripts in Florida, and will report for duty with his command.

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By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

CIRCULAR No. 28. } CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, BUREAU OF CONSCRIPTION, *Richmond, Va., August 3, 1864.*

The third clause of paragraph II, of Circular No. 27, Bureau of Conscription, current series, is amended so as to read as follows:

No other allowances will be made to officers traveling under orders than transportation in kind for themselves and their personal baggage, and $10 per diem, as provided by the act of Congress approved June 4, 1864, published in General Orders, No. 53, Adjutant and Inspector General's Office, current series, as act No. 3. The attention of commandants of conscripts and of disbursing officers connected with the enrolling service is specially invited to paragraph V, of General Orders, No. 59, Adjutant and Inspector General's Office, current series, revoking all previous orders giving other or different allowances. All accounts or claims by officers traveling under the orders of the commandants shall be examined by them and approved before payment by the proper disbursing officer.

By order of Col. T. P. August, acting superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

[AUGUST 4, 1864.—For proclamation of Governor Brown, ordering the militia of certain counties of Georgia into service, see Series I, Vol. LII, Part II, p. 717.]

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8 AUSTIN FRIARS, *August 5, 1864.*

Hon. J. P. BENJAMIN,
Secretary of State, Richmond:

SIR: The originals of the inclosed I beg to state were forwarded to you on the 2d instant, care of Maj. C. J. Helm, Havana.* Allow me further to state the 4,200 Enfields I delivered to General H. P. Bee on 23d of September, 1863, cost 50 francs, or at the exchange $24.20, and

* Inclosures not identified.

that in payment in cotton at 30 cents per pound. The arms delivered and the Gladiator's cargo do not come within the range of Mr. Slidell's remarks. He supposes a case that could not exist.

In regard to my claim for indemnity from the French, it rested [with] Mr. Slidell to approve it or reject it, and in either case I ask you, sir, if as an individual I have not a right to make a claim, and if I am amenable to the Confederate Government for so doing? I claim that it has no bearing whatever upon my contract, and I only ask if I have faithfully performed my contract that my just dues under my contract shall be turned over to me without further delay, and I here state that I have never even thought, much less attempted, to obtain one mill more than I am justly entitled to, directly or indirectly.

As the letter that has caused this unpleasantness was addressed to you, I have taken the liberty of addressing you also. If [it] should have gone before a different bureau, I trust you will pardon the error; and let me most earnestly request that you will cause it to be brought before His Excellency the President and receive that prompt action which the exigencies of the case require.

Very respectfully, your obedient servant,

NELSON CLEMENTS.

AUGUST 5, 1864.

His Excellency Z. B. VANCE,

Governor of North Carolina, Executive Dept., Raleigh, N. C.:

SIR: I have the honor to invite Your Excellency's attention to the state of things presented below, and to request your co-operation in applying the only remedy which, after much thought and deliberation, has appeared to be either practicable or adequate.

The Wilmington and Manchester Railroad forms an essential link in the great lines of southern railroads, and there is no exaggeration in informing you that the safety of our people and the possibility of maintaining the present contest with success depend, to a great degree, on the preservation of this road in an efficient condition for transportation of troops and provisions, of imported articles, and of cotton for exportation.

The condition of this road, seriously impaired and worn by the constant call upon it for heavy transportation, has long excited apprehension. It is now represented on good authority that unless thoroughly repaired the road must, in three months, become wholly incapable of furnishing the transportation which the interest of the Government requires. In order to repair it ten or fifteen miles of railroad iron are absolutely necessary, and the question whence this amount of iron could best be secured has earnestly occupied the attention of the proper authorities. Under present circumstances it is evident that the only means of keeping up the efficiency of the main track lines of the Confederacy consists in repairing them at the expense of other lines of secondary and merely local importance.

The commissioners, acting on this principle, have recommended that the iron required for repairing the Wilmington and Manchester Railroad be taken from the western terminus of the eastern section of the Wilmington, Charlotte, and Rutherford Railroad from the track, namely, beyond Lawrenceburg, where are situated the workshops of the company.

This opinion is entirely approved by this department, and is indeed recommended by paramount and obvious reasons of convenience.

I respectfully and earnestly urge upon Your Excellency's attention the importance of a cordial co-operation on these measures between the authorities of North Carolina and those of the Confederate States.

It is much to be regretted that in the execution of this measure loss and inconvenience must unavoidably be experienced by a portion of your State. The interests affected will, however, be purely local, and it will be the object of the Confederate Government to act in all such cases as liberally and leniently as is consistent with the attainment of its object.

The Government, therefore, in removing the iron will pledge itself to replace it within six months after a treaty of peace between this country and the United States; to pay interest in the meantime on the value of the iron, estimated at schedule rates, and to protect the interest of the State of North Carolina by such security as may be recommended as fair and just.

Under these circumstances I confidently and earnestly appeal to Your Excellency for assistance and co-operation. It is impossible to overestimate the importance, from a national and military point of view, of a thorough repair of the Wilmington and Manchester Railroad. It will, I think, be found equally impossible to effect this by any course other than the one recommended above. The highest interests of our Army and our Government are involved in the question, and it is in my opinion only by the united action of State and Confederate States authorities that danger of a permanent and disastrous interruption of railroad communication can be effectually obviated.

I respectfully ask for a prompt expression of your views, and am,

Yours, very respectfully,

J. F. GILMER,
Major-General, &c.

GENERAL ORDERS, No. 63. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 6, 1864.*

I. All detailed men (including those between eighteen and forty-five years of age) will report to and be commanded by the generals of reserves in the States to which they respectively belong, who will organize them into companies and regiments. It is not anticipated that they will be called out except in emergencies occurring in or near the counties of their residence, nor will service be exacted of them beyond those counties and those contiguous thereto. All exempts are allowed and are invited to enroll themselves with such companies, so as to be prepared to aid in defending their homes when menaced by the enemy.

II. Officers and soldiers into whose hands captured colors fall are prohibited from presenting them to individuals.

III. Paragraph V, General Orders, No. 59, current series, is not intended to apply to officers and bonded agents who are continuously engaged in special service by order of the chief of the bureau to which they belong and whose duties require them to travel from place to place. In such cases personal expenses are allowable in lieu of commutation of fuel, quarters, and rations. Accounts of expenses will be vouched and paid by the chief of the bureau from which the orders issue, and transportation will be furnished in kind.

IV. So much of paragraph II, General Orders, No. 55, current series, as includes commissioned officers in the operation of the "Act

to promote the efficiency of the cavalry of the Provisional Army, and to punish lawlessness and irregularities of any portion thereof," is revoked.

V. General Orders, No. 93, 1863, is hereby revoked.

VI. Paragraph I, General Orders, No. 49, 1863, is amended as follows:

Surgeons in charge of hospitals will have the military clothing of deceased soldiers washed before turning it over to the quartermaster for reissue. The appraisement of such clothing will not exceed the prices established in general orders.

VII. Great irregularities in the observance of the orders regarding the collection of the tax in kind having existed, attention is called to paragraphs I, II, III, and IV, General Orders, No. 48, current series, which are repeated and enjoined upon the Army. Those orders are not intended to authorize any quartermaster or commissary to establish tax depots in organized tax districts, but to allow them, in cases where exigency requires it, to collect from producers in Government wagons. The supplies already collected at the tax depots are always transferable to them upon requisition. Attention of quartermasters and commissaries is specially called to this order. A violation of it is an outrage to the tax-payer, and the efficiency of the tax-in-kind service demands that offenders against it shall be held to strict accountability.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 185. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, August 6, 1864.

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X. Capt. G. W. Dorsey's company (K), of the First Regiment Virginia Cavalry, being composed of Marylanders, is transferred to the First Battalion of Maryland Cavalry, and will report accordingly.

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By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

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8 AUSTIN FRIARS, LONDON, *August 6, 1864.*

W. D. MILLER, Esq., or
Hon. J. H. REAGAN,
Richmond:

DEAR SIR: Our mutual friend, Mr. J. D. Shaw, has been kind enough to give me the accompanying lines to you, and you can do me a special favor and serve the Government at the same time by seeing that my matter is brought before the proper department and acted upon at once. On the 16th of December, 1862, I entered into a contract with Maj. Simeon Hart at Houston, Tex. This contract was approved by General J. B. Magruder, and by letter by General H. P. Bee, at whose urgent request I was induced to come. I came over and arrived here immediately; arrived the last day of March, 1863. On the 16th of

May I sent out the Caroline Goodyear with 7,000 Enfield rifles and 2,840 Tower muskets. This vessel anchored off the Rio Grande on the 4th of July, 1863, and had no more than anchored before she was boarded by a boat's crew from the French war steamer Panama, and notwithstanding the assurance that her cargo was for the Confederate Government, she was forcibly taken possession of and taken to Vera Cruz. On the 23d of September the Love Bird, loaded with 10,000 Enfields, arrived, and after discharging 4,200 she was captured by another French war steamer and taken to Vera Cruz. On the 29th of June the steamer Gladiator arrived there—a vessel that I had loaded with blankets, flannels, flannel shirts, army shoes (over 20,000 pairs), gray army cloth, and trimmings, an invoice amounting in all to over £45,000. Subsequently, and which arrived about November, the Nancy Dawson, with 2,500,000 Enfield cartridges, pistols, guns, &c. The vessel was seized by the Mexican Government and ammunition all used and destroyed by them. Under my contract I was to deliver these articles at Matamoras, where I was to be paid in cotton at 30 cents per pound, and when I made the contract cotton could then be bought in any quantity from 15 to 20 cents, currency.

To make my matter as brief as possible I beg to state that I did in good faith execute my entire contract to the letter; and although my contract distinctly expresses that there shall be no delay in delivering the cotton, and though I did deliver 4,200 Enfield rifles on 23d of last September, and the entire amount of Gladiator's cargo has been in readiness since the end of June, one year ago, yet I have had but 260 bales of cotton turned over to my agent, Mr. A. S. Ruthven, all told. When I purchased the cargo of the Gladiator I gave my note for £9,000 for the faithful performance on my part, and the parties became so much dissatisfied that in April last I got the Hon. C. S. Morehead, of K. S., to go out to assist Mr. Ruthven in bringing it to a close, when to my utmost astonishment per last mail I received a notice from Major Hart that by order of his superior officer my contract with him for supply of arms, &c., was canceled, and that this was done upon a letter of Mr. John Slidell to Hon. J. P. Benjamin. This is doing me the greatest possible injustice. First, it is reflecting dishonor upon me, and second, it is withholding from me the just amount that is due me for arms, &c., already delivered, and without which I cannot extricate myself. I respectfully refer you to Hon. J. P. Benjamin, to whom I have fully written by this mail, and accompanied it with such vouchers as must place my matter beyond a question. Mr. Slidell supposes, first, that I had bought the cargo of [the] Caroline Goodyear for cash, which is not a supposable case, for I did not agree to purchase for cash, but distinctly told Major Hart and General Bee I could not. He then supposes the arms had been delivered, which is not even a supposable case, as they were captured, and never have been delivered, and I never have asked the Government to pay for them. I don't know what has induced Mr. Slidell to write such a letter, as my only correspondence with him was in regard to obtaining an indemnity from the French Government for their unjustifiable seizure.

Judge Reagan, if I have in any way, directly or indirectly, attempted to get from the Government one mill more than I am justly entitled to I will forfeit my whole claim, and I positively assure you I never have. Any insinuation to the contrary is the basest calumny. I have faithfully performed my contract and my duty, and I wish the Government to comply on their part, and I am ruined unless they do so

at once. Please do me the favor to call upon Hon. J. P. Benjamin and see my letter* and vouchers, and if you are then satisfied that I have complied faithfully on my part, do me the special favor to have it brought before the proper department and cause an order to be issued and forwarded to Texas to rescind the canceling of my contract, and request that an order accompany it to immediately deliver me the cotton for the arms delivered and for the Gladiator's cargo. I have also written the Hon. D. F. Kenner and Col. L. Q. C. Lamar, but it must have early attention or the result will be not only most injurious and ruinous to me, but injurious to the Government. Maj. J. F. Minter is here and will write General E. Kirby Smith at once for me. If you will see justice done me in this matter you will confer a lasting favor, which it will ever afford me pleasure to reciprocate.

With esteem and regard, I am, your friend and obedient servant,

NELSON CLEMENTS.

P. S.—I beg to say that so far as the price of rifles is concerned I have sent the Hon. J. P. Benjamin the certificate of the accredited agent of the Confederate Government in London, Maj. Caleb Huse, that the price I paid was a fair and correct price, and those I delivered cost 10 per cent. less.

N. C.

[First indorsement.]

DECEMBER 19, 1864.

Respectfully referred to the Secretary of War, with one inclosure.

JOHN H. REAGAN,
Postmaster-General.

[Second indorsement.]

DECEMBER 23, 1864.

Colonel Bayne, for inquiry and report.

By order of the Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 6, 1864.

Governor T. H. WATTS,
Montgomery, Ala.:

The exempted men are all liable to militia duty. Detailed men are liable to be called on for service in an exigency by the commander of the reserves in your State.

J. A. SEDDON,
Secretary of War.

CIRCULAR.] RICHMOND, VA., *August 8, 1864.*

General orders from the Adjutant and Inspector General's Office have directed quartermasters and commissaries who receive tax in kind directly from producers to give receipts "on account of tax in kind" at the end of every month for the produce thus received during

* Probably of August 5, p. 569.

the month, to the quartermaster on tax-in-kind service in the Congressional district where the collection is made, or in his absence to the controlling quartermaster of the State, and to state in said receipts the full name and county of the tax-payer. These instructions have not generally been followed, and in many cases have been entirely neglected. Commissaries and quartermasters will be held to strict compliance with them, both for collections already made, which should be at once receipted for if not already done, and for the future. Compliance is indispensable to the settlement of the accounts of the quartermaster of the Congressional district and of the assessor and collector.

Receipts of quartermaster-sergeants and other agents given to producers are unjust impositions on them; they are worthless for the future. The receipts of quartermasters and commissaries and regular tax agents are the only good vouchers.

The opinion seems to prevail that tax-in-kind supplies may be used wastefully and without accountability. This is error. Officers are hereby notified that they will be held to the same accountability for this property as for that received from any other source.

A. R. LAWTON,
Quartermaster-General.
L. B. NORTHROP,
Commissary-General.

COLUMBUS, GA., *August 8, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: You will perceive by the inclosed resolution that the undersigned have been appointed a committee to correspond with you upon the subject embraced in the resolution. We have the honor to call your attention to the matter, and beg leave to submit the following explanations to your consideration:

First. The grading of the road is nearly completed, and may be put in order for the road bed with the labor of 500 hands in less than sixty days. It runs through a rich and populous county, where there are a large number of slaves whose labor could be contracted by the Government without serious loss or inconvenience to their owners at this season of the year.

Second. The iron could be readily obtained by the Government by impressing the rails of certain roads which are of little public importance and of no value to the Government at this time, viz, the road from Milledgeville to Eatonton, twenty-two miles, and the branch road from Union Point to Athens, about twenty miles. These roads belong to the richest corporations in the South, and they could well afford to give up these short roads for a great public benefit.

Third. The early completion of the road in question would be of very great importance to the Government, and is, in fact, a matter at the present of military necessity. The only channel of communication at present between Montgomery and the east embraces the Montgomery and West Point road, whose gauge is different from all the other roads connecting with it, and, of course, in times of pressing necessity could not be aided by the rolling-stock of other roads. Its capacity is too limited for the purposes of the Government, and it is at all times much more liable to be destroyed by the raiding parties of the enemy than the road from Montgomery to Union Springs

and thence to Columbus. Witness the late destruction of over twenty-five miles of it by Rosecrans' [Stoneman's?] party and the serious inconvenience now experienced by the Government on account of it.

Fourth. The M[ontgomery] and Eufaula road connects at Union Springs with the Mobile and Girard road, and is of the same grade, and which can and will be connected with the Muscogee road at this place, and thus form a continuous chain from Montgomery to Macon, the distance from Montgomery to Columbus via Union Springs being less than 100 miles. The inclosed letter from the secretary of the Montgomery and Eufaula road expresses the readiness of the company to co-operate with the Government in the proposed completion of their road. We agree with the opinion of the late meeting of the stockholders of the Mobile and Girard road that this matter is one of great importance to the Government, and we invite the serious attention of the War Department to it. We would suggest that, if any doubt be entertained by the authorities at Richmond as to the policy or necessity or the practicability of the measure, that a special agent be sent out to examine into it and report to the Department the facts and merits of the proposition.

We are, respectfully, your obedient servants,

ALFRED IVERSON,
HOMER BLACKMAN,
J. L. MUSTIAN,
THOS. H. DAWSON,
Committee.

[First indorsement.]

AUGUST 23, 1864.

To Engineer Bureau for consideration.

J. A. S.

[Second indorsement.]

ENGINEER BUREAU,
September 14, 1864.

Respectfully returned to the Honorable Secretary of War.

A letter was promptly written to Hon. Alfred Iverson stating that the views expressed by himself and others in relation to the Union Springs and Montgomery Railroad connection were being duly considered, but that it was feared that the pressing need for all available railroad iron to be used on main trunk lines in repairs would prevent this Bureau from recommending favorable action.

J. F. GILMER,
Major-General and Chief of Bureau.

[Inclosure No. 1.]

Whereas, we consider the speedy completion of the road from Union Springs to Montgomery, now nearly completed, as of vital importance to the country, especially whilst the war continues, in the transportation of troops and army supplies, and which no other present channel of conveyance can furnish; and whereas, the grading of said road is now nearly completed, and with proper efforts might be finished in sixty days at the farthest; and whereas, it is now impracticable for the company to procure the iron necessary for the road, and that article can only be supplied to the Confederate States: It is therefore

Resolved, That a committee be appointed to open a correspondence both with the directors of said road and with the Confederate Government to urge such measures as may be required to accomplish the above important object.

The above was passed at a meeting of the stockholders of the Mobile and Girard Railroad Company held July 6, 1864. The committee appointed above are Hon. Alfred Iverson, Col. Homer Blackman, J. L. Mustian, esq., Thomas H. Dawson, esq.

[Inclosure No. 2.]

MONTGOMERY, ALA., *August 4, 1864.*

Messrs. A. IVERSON, T. H. DAWSON, H. BLACKMAN, and J. L. MUSTIAN:

GENTLEMEN: Our president, Col. L. Owen, was absent on the receipt of your communication of the 15th of July ultimo and the proceedings of the stockholders of the Girard Railroad Company, and has requested me to reply and acknowledge the receipt of your esteemed communication. There could not be at the time a meeting of the board of directors on account of absence of some. But our president and others have had an interview with General Bragg, recently here, and also with General Maury, in command here, and each concurs in great necessity of immediately building the road by the Government, and I understand have so advised the Government at Richmond, and we would respectfully return our thanks for the interest you have taken in this matter, and hope we will continue to receive your sympathy and aid should the Government undertake the building of the road.

Yours, with respect,

JOS. D. NOPPERS,
Secretary Montgomery and Eufaula Railroad.

WAR DEPARTMENT, SIGNAL BUREAU,
Richmond, Va., August 8, 1864.

S. COOPER,
Adjutant and Inspector General:

GENERAL: There being at present several of those employed on our secret service lines who have no defined position in the service, being but volunteers, receiving no pay, and over whom we possess in fact no power or right to control, I respectfully request that such authority may issue from your department as will empower me to direct that such men under the employ of the Signal Bureau who belong to no company or command shall immediately join some military organization with the understanding that they be at once detailed for assignment to the same duty on which they may be at the time employed. Many of them are excellent and efficient men and could not easily be replaced. Their services were accepted by Major Norris, who retained them simply as volunteers. Should they fall into the hands of the enemy we could not demand their exchange and they are not responsible to the chief of bureau, or any one else having the power, if they at any time deem it best to leave the corps, however necessary their services might be at the time, nor could we hold them responsible for disobedience of orders. Besides, if these men are liable to conscription, it might appear that this office was in a manner harboring them unlawfully. I would most respectfully suggest that the Bureau be furnished with the views of the department on the subject at as early a day as practicable.

Very respectfully, your obedient servant,

WM. N. BARKER,
Captain and Chief of Signal Corps.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
August 12, 1864.

The law organizing the Signal Corps makes no provision for the enlistment or assignment in it of private soldiers. It has been the practice to detail these from the Army or Conscription Bureau, as the public service required. I see no objection to the plan proposed by Captain Barker.

Respectfully submitted to the Secretary of War:

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

AUGUST 19, 1864.

The assignment of such disbanded conscripts is conformable to rule and will probably promote subordination. No objection is entertained.

J. A. S.

CIRCULAR No. 29.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., August 9, 1864.

I. Circular No. 26 is hereby revoked. Hereafter all applications for detail made to the local enrolling officer will, after investigation, be forwarded with report to the district enrolling officer. If the district enrolling officer approves the application he will grant a furlough for sixty days.

The reasons for approval will be stated in full on a separate sheet and the papers forwarded through the commandant for the State, who will also express his opinion to this office for final action.

If the district enrolling officer disapproves the application he will indorse in full the reasons for his disapproval and return the papers to the local enrolling officer, who will immediately forward the parties to the camps of instruction, to be at once assigned to commands in the field entitled under existing orders to receive conscripts.

An appeal from the decision of the district enrolling officer can be taken, which should be forwarded through the regular channels to this Bureau for its action. If an appeal is not taken the papers will be kept on file in the office of the local enrolling officer.

Upon transmitting the appeal commandants will state the company and regiment to which the appellants have been assigned. This course will be pursued in all cases whether the applications have been made previous or subsequent to the receipt of this circular.

II. Where, in the course of transmission under previous instructions, the papers have passed from the district enrolling officer to the commandant, action similar to that herein directed will be taken by the commandant—that is, a furlough for sixty days will be granted (in case of approval), when the papers will be forwarded; or the party will be immediately assigned in case of disapproval, when the papers will be kept on file unless an appeal is taken.

III. The furlough to be granted by the district enrolling officer is in the nature of an indulgence, the object being to protect the parties during the delay, and it is revoked by the action of the Bureau.

By order of Col. T. P. August, acting superintendent:

THOMAS GOLDTHWAITE,
Acting Assistant Adjutant-General.

HEADQUARTERS CONSCRIPT SERVICE,
Augusta, August 9, 1864.

Brig. Gen. JOHN S. PRESTON,
Superintendent Bureau of Conscription, Richmond, Va.:

GENERAL: I regret the necessity that impels me again to address you upon the financial embarrassments of the enrolling service in this State. It is now five or six months since the officers and employés in the department have received a dollar of their pay. Most of them, compelled by regulation to serve in counties remote from their homes, are entirely dependent for support upon what the Government pays them. Many of them, especially those on duty in the northern portion of the State, are remote from any Government commissary, and cannot draw their rations if they would, and in the present scarcity of transportation it is perfectly impracticable to send rations to them. Their creditors have been so often disappointed by reason of the delay in receiving their pay they now refuse longer to credit them for even the commonest necessaries of life.

Again, if Circular No. 28, current series, from the Bureau, is to be strictly enforced, and no discretion allowed in cases of extraordinary expenses, officers under orders cannot be sent into counties not penetrated by railroads. In many counties horses and mules cannot be had at any price, and nowhere can they be had for the per diem allowance of an officer. Thirty and forty dollars per day is the common price for a horse and conveyance of any sort. Many officers, having no means of their own, cannot pay such charges, and consequently cannot go; and I do not think it fair to require those more fortunate to expend their own means without hope of being reimbursed by the Government they go to serve. These difficulties are especially apparent in the case of the medical officers and district enrolling officers, who are required at stated intervals to visit the several counties of their respective districts where there are no quartermasters and no railroads, and where they are compelled to hire private conveyances at exorbitant prices.

I have found that constant inspection is essential to the efficiency of the service, and I have hitherto, by myself and by inspecting officer, maintained a close scrutiny of the acts of subordinates. It is of the last importance that this be kept up, but if officers are only to be allowed $10 per diem and transportation in kind this inspection must be abandoned in the counties not served by railroads.

I write you thus earnestly, general, because I see and feel the evils of which I write, and I trust you will use your influence to devise some means to overcome these difficulties.

I am, general, very respectfully, your obedient servant,
WM. M. BROWNE,
Colonel and Commandant.

[Indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, August 19, 1864.

Respectfully referred to the Honorable Secretary of War for instructions.

The evils and inconveniences complained of by Colonel Browne are fully recognized at this Bureau. It is very certain that the per diem of $10 will not in the greater number of cases cover actual and unavoidable expenses even where Government transportation is furnished.

The paragraph (III) of General Orders, No. 63, current series, does not, it is thought, provide a remedy, for it is believed to be intended for officers on special service under orders, while members of medical boards and enrolling officers attached to this Bureau while traveling through their respective districts are engaged in their regular and legitimate duties, and as local officers are not entitled to their personal expenses on such journeys, but only to commutation for quarters and fuel at the fixed local rates. It is felt that this may be a harsh rule, but under existing orders and usages it appeared to be the only one to be adopted.

An extension of the provisions of that paragraph to medical, enrolling, and other officers of this Bureau while traveling from place to place under its orders or in the discharge of their regular duties might go far to remedy the evils complained of, but it is respectfully urged that the efficiency and convenience of the peculiar service of the Bureau of Conscription would be more completely secured by authorizing the superintendents to fix the allowances to all such officers while in the discharge of their respective duties upon consideration of all the local and other circumstances of the case.

T. P. AUGUST,
Colonel and Acting Superintendent.

RICHMOND, VA., *August 11, 1864.*

General HOWELL COBB,
Macon, Ga.:

I informed Colonel Browne that until his services in Georgia could be dispensed with he would remain. You will recollect that he went for temporary service. His absence has been inconvenient to me, and I thought you would have many advantages over him in conducting the discussions with the State Executive on the questions which have been raised.

JEFFERSON DAVIS.

RICHMOND, *August 11, 1864.*

His Excellency JEFFERSON DAVIS,
President:

SIR: The magnitude of the proposition of Captain Williams herewith presented induces me to yield to his request to lay it before you for consideration.

Among the many Missourians who are dedicating their energies to the destructive service he is pre-eminent for inventive power, practical skill, and indomitable energy. His design has been long matured, but he has withheld it until the conduct of the enemy has removed the only obvious objection to the mode of warfare embraced in his plan. I know him well. In Missouri he was engaged in the construction of her railroads, and here, laboring with small means and against formidable obstacles, he devised and perfected a submarine apparatus which finally received the official indorsement of the Board of Engineers.

Respectfully, your fellow-citizen,

URIEL WRIGHT.

[First indorsement.]

AUGUST 11.

Respectfully referred, by direction of the President, to the Honorable Secretary of the Navy for attention.

J. C. IVES,
Colonel and Aide-de-Camp.

[Second indorsement.]

NAVY DEPARTMENT,
August 11, 1864.

Respectfully referred to Honorable Secretary of War, because it is the plan of operations upon which Mr. Courtney, under its authority, is believed to be engaged, and because it belongs to the class of secret-service means.

S. R. MALLORY,
Secretary.

[Third indorsement.]

AUGUST 13, 1864.

The request that others who may have used the inventions of the writer should be required to show their title to claim the device employed as their own is reasonable and will be remembered.

In my judgment, only ships of war and transports carrying troops, munitions of war, or supplies to armed forces are legitimate objects of the attacks contemplated. Passenger ships or those in ordinary commerce should not in general be assailed in so destructive a way, as the main aim of legitimate war in such cases is to capture, not destroy.

Only in very exceptional cases, where some special cause for destruction existed and would morally justify, should such fatal agencies be employed against passenger or commercial vessels.

J. A. S.

[Inclosure.]

RICHMOND, *August, 1864.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: The undersigned respectfully submits a plan devised and matured by him for the destruction of the transports, supplies, and commerce of the enemy, which, it is believed, needs only the patronage and encouragement of the Government to be carried into successful execution.

This plan aims at a wider destruction of the commerce of the enemy than can ever be reached by our armed privateers, and goes beyond the scope of the act of Congress which provides compensation for the destruction of the armed vessels of the enemy. It strikes not only at the armaments of the Federal Government and their transports carrying supplies and men, at depots of supplies and munitions of war, but at all commerce of the enemy lying in the ports of the United States, in transit from one port of the United States to another, in transit from a port of the United States to any port of the Confederacy, and at all commerce of the enemy on the high seas in transit from any port in the world.

This plan was designed and perfected by the undersigned as early as 1861, and consists of shipping on board of the enemy's vessels and into depots of supplies incendiary apparatus or torpedoes, to set fire

or explode at a given time, it being a modification and adaptation for such purposes of the same torpedo designed to be used with the submarine apparatus designed by him, and it was reduced to form and practicability by the undersigned by actual models, copies of which are now in the Patent Office in this city.

About four months since, being compelled of necessity to let his modes of operation be known here, parties (as the undersigned is informed and believes) are now seeking to anticipate me before the departments by asking privileges and compensation, who obtained the plans of operating from mine, to my certain knowledge. Without models or anything to show how their work is done, they have only crude ideas of the scheme, unless they have procured others to do the work for them, for they are wholly incapable of making a mechanical invention of the kind. As these parties design to anticipate me before the departments, I respectfully ask that all parties be required to produce their apparatus to be used and furnish the usual evidence of priority before the compensation is paid; otherwise there will be no protection to the inventor or the scientific or mechanical producer, who is the ground-work and soul of the service, if he can thus be forestalled by men who have the address and influence to anticipate without the brains necessary to originate.

Models of the plans of the undersigned are ready for the scrutiny of the departments, and he is prepared to give a full explanation of the modes of executing it at such time as the Government may appoint.

The act of Congress now in force, aided by regulations of the departments, giving compensation for the destruction of the armed vessels of the enemy and their transports may cover a portion of this plan. It is presumed that the Government will probably regard every vessel of the enemy plying from a Federal port to any port of the Confederacy or to the mouths of rivers of the Confederacy as a "transport" within the meaning of the construction of the departments. In the actual condition of our coast the only apparent function to be performed by such vessels would be the transportation of men, supplies, or munitions of war. Commerce as such can scarcely obtain between such ports. Would the same vessel destroyed in the harbor of New York or Boston, freighted with munitions of war or having on board soldiers or marines for transportation, be an armed vessel or transport within the meaning of the act or under any regulations of the departments? Would a vessel of the enemy in transit from a foreign port to a Federal port, freighted in whole or part with munitions of war or having on board foreign mercenaries to be organized on arrival at a Federal port into the military service of the United States, be regarded as a "transport" under the construction of any privileges or inducements which may have been granted? However these questions may be answered by the Government, it is manifest that the existing legislation of Congress cannot furnish compensation for the destruction of the vessels of the enemy engaged in peaceful commerce in port or on the high seas. Additional legislation is necessary to furnish an adequate inducement to the adventurous spirits of the Confederacy who are willing to strike the vessels and commerce of the enemy wherever found and of whatever character.

If the Executive authority of the Confederacy shall approve this mode of assailing the commerce of the enemy and determine to use its proper constitutional influence over the Legislative Department to procure the necessary legislation to obtain compensation, the individuals who are ready and anxious to do the work will set about it at once, without waiting for the action of Congress.

In so far as the plan aims at the destruction of the vessels and commerce of the enemy in transit from a foreign port, while the destruction would take place only on the high seas, the initial steps toward it would be taken while the vessel lay in port. The objection may arise that such act would be a violation of the laws of neutrality. It is not the design of the originator of this plan, nor of those who will execute it, to involve the Confederacy in any violation of the rules which regulate the conduct of neutral nations toward each other. For any act done in the port of a neutral nation the protection of this Government will not be asked or claimed. The individuals engaged on this enterprise take *quod hoc* all the risk of the peril. If in moving against the enemy they do any wrong to a neutral nation, they hold themselves amenable to the chances of such penalty as that nation may rightfully inflict. They do not ask this Government to be responsible for their action in such cases.

If it be objected that the execution of the plan may involve the possible life or lives of non-combatants, the answer is twofold: First, the loss of life is not an inevitable result, as the history of the sea casualties demonstrates, and the possible loss of life to non-combatants by armed privateers assailing the peaceful commerce of the enemy does not render unlawful that mode of warfare. But the second and full answer to the objection is that against an enemy who persistently repudiates the rules of civilized warfare retaliation is a moral right, having its sanction in the opinion of mankind. By the law of nations a nation who refuses to be governed by the code absolves the adversary from all obligations to its rules.

The information which is respectfully solicited is as to what classes of vessels and what description of property may be considered liable to destruction by such means, and the inducement which will be given.

Very respectfully, your obedient servant,

C. WILLIAMS,
Civil and Marine Engineer.

CLIFTON HOUSE, NIAGARA FALLS, CANADA WEST,
August 11, 1864.

Hon. J. P. BENJAMIN,
Secretary of State Confederate States of America:

SIR: Since my last dispatch I have visited all the points in Canada at which it was probable any escaped prisoners could be found. I have circulated as widely as possible the information that all who desired to return to the discharge of their duty could obtain transportation to their respective commands within the Confederacy. For this purpose I have made arrangements with reliable gentlemen at Windsor, Niagara, Toronto, and Montreal to forward such as from time to time may require this assistance as far as Halifax, from which point they will be sent by Messrs. Weir & Co. to Bermuda. The system thus organized will provide for the return of any ordinary average of escaped prisoners. If, however, any contingency should lead to the accumulation of a large number in Canada, some special arrangement like that contemplated when I left Richmond would be required. As events (to which it is scarcely prudent to refer) may soon transpire which would render this contingency by no means remote or improbable, I have deemed it my duty to defer my departure for a time. I feel the more confidence in my judgment from the

fact that it has the concurrence of Messrs. Clay and Thompson. I have availed myself of the interim of every opportunity to co-operate with those gentlemen, and think that I have been able to render useful service. My present expectation is to return in September. A distinct communication from Mr. Clay and myself is sent by this mail.

With the highest respect, &c.,

JAMES P. HOLCOMBE.

SAINT CATHERINES, CANADA WEST,
August 11, 1864.

Hon. J. P. BENJAMIN,
Secretary of State Confed. States of America, Richmond, Va.:

SIR: I deem it due to Mr. Holcombe and myself to address you in explanation of the circumstances leading to and attending our correspondence with Hon. Horace Greeley,* which has been the subject of so much misrepresentation in the United States, and, if they are correctly copied, of at least two papers in the Confederate States.

We addressed a joint and informal note to the President on this subject, but as it was sent by a messenger under peculiar embarrassments it was couched in very guarded terms and was not so full or explicit as we originally intended or desired to make it. I hope he has already delivered it and has explained its purpose and supplied what was wanting to do us full justice.

Soon after the arrival of Mr. Holcombe, Mr. Thompson, and myself in Canada West it was known in the United States and was the subject of much speculation there as to the object of our visit. Some politicians of more or less fame and representing all parties in the United States came to see Mr. Holcombe and myself—Mr. Thompson being at Toronto and less accessible than we were at the Falls—either through curiosity or some better or worse motive.

They found that our conversation was mainly directed to the mutual injury we were inflicting on each other by war, the necessity for peace in order to preserve whatever was valuable to both sections, and probability of foreign intervention when we were thoroughly exhausted and unable to injure others, and the dictation of a peace less advantageous to both belligerents than they might now make if there was an armistice of sufficient duration to allow passion to subside and reason to resume its sway.

In the meantime Mr. George N. Sanders, who had preceded us to the Falls, was addressing, directly or indirectly, his ancient and intimate party friends and others in the United States supposed to be favorably inclined, assuring them that a peace mutually advantageous to the North and the South might be made, and inviting them to visit us that we might consider and discuss the subject. He informed us that Mr. Greeley would visit us if we would be pleased to see him. Believing from his antecedents that he was a sincere friend of peace, even with separation if necessary, we authorized Mr. Sanders to say that we would be glad to receive him. Mr. Greeley replied, as we were told, through Mr. Jewett, who had been an active and useful agent for communicating with citizens of the United States, that he would prefer to accompany us to Washington City to talk of peace, and would do so if we would go. We did not then believe that Mr. Greeley had authorized this proposal in his name, for neither we nor

*See Series III, Vol. IV.

Mr. Sanders had seen it in any telegram or letter from Mr. Greeley, but had it only from the lips of Mr. Jewett, who is reported to be a man of fervid and fruitful imagination and very credulous of what he wishes to be true. Notwithstanding, after calm deliberation and consultation we thought that we could not in duty to the Confederate States decline the invitation, and directed Mr. Sanders to say that we would go to Washington if complete and unqualified protection was given us.

We did not feel authorized to speak for Mr. Thompson, who was absent, and we moreover deemed it necessary that he or I should remain here to promote the objects that the Secretary of War had given us and another in charge.

Mr. Sanders responded in his own peculiar style, as you have seen, or will see by the inclosed copy of the correspondence, which was published under my supervision.* We did not expect to hear from Mr. Greeley again upon the subject, and were greatly surprised by his note from the U. S. side of the Falls, addressed to us as "duly accredited from Richmond as the bearers of propositions looking to the establishment of peace."

How or by whom that character was imputed to us we do not know. We suspect, however, that we are indebted for the attribution of the high and responsible office to Mr. Jewett, or to that yet more credulous and inventive personage, Dame Rumor. Certainly we are not justly chargeable with having assumed or affected that character, or with having given any one sufficient grounds to infer that we came clothed with any such powers. We never sought or desired a safe-conduct to Washington, or an interview with Mr. Lincoln. We never proposed, suggested, or intimated any terms of peace to any person that did not embrace the independence of the Confederate States. We have been as jealous of the rights, interest, and power of our Government as any of its citizens can be, and have never wittingly compromised them by act, word, or sign. We have not felt it our duty to declare to all who have approached us upon the subject that reunion was impossible under any change of the Constitution or abridgment of the powers of the Federal Government. We have not dispelled the fond delusion of most of those with whom we have conversed—that some kind of common government might at some time hereafter be re-established. But we have not induced or encouraged this idea. On the contrary, when obliged to answer the question—"Will the Southern States consent to reunion?"—I have answered:

> Not now. You have shed so much of their best blood, have desolated so many homes, inflicted so much injury, caused so much physical and mental agony, and have threatened and attempted such irreparable wrongs, without justification or excuse, as they believe, that they would now prefer extermination to your embraces as friends and fellow-citizens of the same government. You must wait till the blood of our slaughtered people has exhaled from the soil, till the homes which you have destroyed have been rebuilt, till our badges of mourning have been laid aside, and the memorials of our wrongs are no longer visible on every hand, before you propose to rebuild a joint and common government. But I think the South will agree to an armistice of six or more months and to a treaty of amity and commerce, securing peculiar and exclusive privileges to both sections, and possibly to an alliance defensive, or even, for some purposes, both defensive and offensive.

If we can credit the asseverations of both peace and war Democrats, uttered to us in person or through the presses of the United States, our correspondence with Mr. Greeley has been promotive of our

* Not found.

wishes. It has impressed all but fanatical Abolitionists with the opinion that there can be no peace while Mr. Lincoln presides at the head of the Government of the United States. All concede that we will not accept his terms, and scarcely any Democrat and not all the Republicans will insist on them. They are not willing to pay the price his terms exact of the North. They see that he can reach peace only through subjugation of the South, which but few think practicable; through universal bankruptcy of the North; through seas of their own blood as well as ours; through the utter demoralization of their people, and destruction of their Republican Government; through anarchy and moral chaos—all of which is more repulsive and intolerable than even the separation and independence of the South.

All the Democrat presses denounce Mr. Lincoln's manifesto in strong terms, and many Republican presses (and among them the New York Tribune) admit it was a blunder. Mr. Greeley was chagrined and incensed by it, as his articles clearly show. I am told by those who profess to have heard his private expressions of opinion and feeling, that he curses all fools in high places and regards himself as deceived and maltreated by the Administration. From all that I can see or hear, I am satisfied that the correspondence has tended strongly toward consolidating the Democracy and dividing the Republicans and encouraging the desire for peace. Many prominent politicians of the United States assure us that it is the most opportune and efficient moral instrumentality for stopping the war that could have been conceived or exerted, and beg us to refrain from any vindication of our course or explanation of our purposes.

At all events, we have developed what we desired to in the eyes of our people—that war, with all its horrors, is less terrible and hateful than the alternative offered by Mr. Lincoln. We hope that none will hereafter be found in North Carolina, or in any other part of the Confederate States, so base as to insist that we shall make any more advances to him in behalf of peace, but that all of our citizens will gird themselves with renewed and redoubled energy and resolution to battle against our foes until our utter extermination, rather than halt to ponder the terms which he haughtily proclaims as his ultimatum. If such be the effect of our correspondence, we shall be amply indemnified for all the misrepresentations which we have incurred or ever can incur.

Mr. Greeley's purpose may have been merely to find out our conditions of peace, but we give him credit for seeking higher objects. While we contemplated and desired something more, yet it was part of our purpose to ascertain Mr. Lincoln's condition of peace. We have achieved our purpose in part; Mr. Greeley has failed altogether. He correctly reports us as having proposed no terms. We never intended to propose any until instructed by our Government. We have suffered ourselves to be falsely reported as proposing certain terms—among them reunion—for reasons that our judgment approved, hoping that we would in due time be fully vindicated at home.

If there is no more wisdom in our country than is displayed in the malignant articles of the Richmond Examiner and Petersburg Register, approving of the ukase of Mr. Lincoln, the war must continue until neutral nations interfere and command the peace. Such articles are copied into all the Republican presses of the United States, and help them more in encouraging the prosecution of the war than anything they can themselves utter.

If I am not deceived, the elements of convulsion and revolution existing in the North have been greatly agitated by the pronunciamento of the autocrat of the White House. Not only Democrats, but Republicans are protesting against a draft to swell an army to fight to free negroes, and are declaring more boldly for State rights and the Union as it was. Many say the draft cannot and shall not be enforced. The Democracy are beginning to learn that they must endure persecution, outrage, and tyranny at the hands of the Republicans, just as soon as they can bring back their armed legions from the South. They read their own fate in that of the people of Kentucky, Missouri, and Maryland. They are beginning to lean more on the side of our people as their natural allies and as the champions of State rights and of popular liberty. Many of them would gladly lock arms with our soldiers in crushing their common enemy, the Abolitionists. Many of them would fall into our lines if our armies occupied any States north of the Ohio for a month, or even a week. Many of them are looking to the time when they must flee their country, or fight for their inalienable rights. They are preparing for the latter alternative.

The instructions of the Secretary of War to us and the officer detailed for special service have not been neglected. We have been arranging for the indispensable co-operation. It is promised, and we hope will soon be furnished. Then we will act. We have been disappointed and delayed by causes which I cannot now explain.

I fondly trust that our efforts will not be defeated or hindered by unwise and intemperate declarations of public opinion, by newspaper editors or others who are regarded as its exponents.

We have a difficult role to play, and must be judged with charity until heard in our own defense.

I am much indebted to Mr. Holcombe, Mr. Sanders, and Mr. Tucker for the earnest and active aid they have given me in promoting the objects of Mr. Thompson's and my mission.

Mr. Thompson is at Toronto and Mr. Holcombe is at the Falls. If here, or if I could delay the transmission of this communication, I should submit it to them for some expression of their opinions.

As I expect this to reach the Confederate States by a safe hand, I do not take the time and labor necessary to put it in cipher—if, indeed, there is anything worth concealing from our enemies.

I have the honor to be, &c.,

C. C. CLAY, JR.

TREASURY DEPARTMENT,
Richmond, August 12, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have had the honor to receive from your Department the estimates of foreign supplies, and I submit for your consideration a report made upon the same by Col. T. L. Bayne, agent for the transportation of cotton on account of this Department. The sum of the estimates is £1,491,000; the monthly export required to meet the payments will be 6,000 bales of cotton, or 36,000 bales for the ensuing six months; the tonnage necessary for the transportation is 3,900 tons per month, nearly fifteen steamers per week, at the present average rate of freight capacity. This statement exhibits apparently the

impossibility, in our present circumstances, of accomplishing importations of such magnitude, and I would with great respect suggest the propriety of reconsidering the estimates, and of sending out such orders as may prevent any embarrassment on the part of General McRae in the distribution of the funds to be placed at his disposal. By the orders of my predecessor, issued since the adoption of the sub-regulations of ———, all the funds in the hands of the depositaries at Liverpool are made subject to the control of General McRae for the supply of the purchasing agents of the several departments, except a balance of £10,000, which is to be reserved for contingencies. I suggest that in conformity with this arrangement requisitions be made in favor of General McRae for the amount of the several estimates after they have been reformed in the manner proposed. I will then cause warrants to be issued upon the depositaries, under which the funds will be made available to General McRae as fast as they accumulate.

From the estimates of each bureau should be deducted the amount and value of the stores expected to be received under existing contracts.

Colonel Bayne alludes to several of these, and there may be others of which he is not informed. The Collie contract alone will furnish supplies to the extent of £200,000, and this amount and all others of like character should be deducted from the estimates. Two steamers under this contract have already arrived. By the terms of this agreement 50 per cent. is to be added to the value of the goods, so that the sum to be allowed for these supplies in reduction of the estimates is in fact £300,000. And as payment is to be made in cotton at 6 pence, it will require 30,000 bales of cotton for this single contract. As 5,000 bales at present prices in England would have yielded £200,000, this unfortunate arrangement entails a positive loss of 25,000 bales of cotton, and places in a conspicuous point of view the necessity that existed for abandoning this mode of obtaining supplies. The estimates being made as moderate as the absolute necessities of the service will permit, every effort will be made on the part of this Department to place the required funds in England. The difficulties of this task must not be kept out of view. The chief is the constant interference of existing contracts giving special privileges, with the right of the Government to ship half the cargo, as provided in the regulations. Of 5,530 bales (Wilmington and Charleston combined 4,868 bales+662 bales) placed by this Department in the hands of Mr. Seixas, at Wilmington, in the month of July, only 1,672 bales went out for the "general credit of the Treasury." The distribution was as follows: Treasury Department, 1,672 bales; Collie contract, 962 bales; Crenshaw contract, 1,943 bales; payment freight, &c., 953 bales. The payment to Collie & Co. being for supplies (part of the £200,000) actually arriving, does not bear so injuriously upon our resources. But in the case of Crenshaw our means are being absorbed in the purchase of steamers that may not come into active service until the present exigency has passed. I have sent to the depositaries in Liverpool $3,000,000 in the 6 per cent. non-taxable bonds, and if encouraged to do so will send in all $10,000,000. And I have authorized General McRae and Fraser, Trenholm & Co., depositaries, in pursuance of the provisions of the act of February 17, 1864, to borrow on the hypothecation of these bonds from time to time, to be repaid out of the proceeds of expected importations of cotton. A loan of $5,000,000 on $10,000,000 of these bonds ought not to be difficult, to be repaid out of the proceeds of cotton actually arriving from week to week. The loan made by Gilliat & Co. of the £150,000 is of this character, and

as the new steamers contracted for will be gradually coming into active duty, our facilities for the exportation will be gradually increasing and our means of payment augmenting in proportion.

I have entered into these details in order that you may have a full and comprehensive view of the resources at the command of this Department for meeting the requirements of the War Department.

Yours, with great respect,

G. A. TRENHOLM,
Secretary of the Treasury.

[First indorsement.]

AUGUST 16, 1864.

Referred for the special attention of the Quartermaster-General, Commissary-General, Ordnance Bureau, Surgeon-General, and Niter and Mining Bureau. It will be necessary to limit estimates, and, as far as the service will allow, anticipative purchases of supplies.

At no distant date means of shipment ought to be largely increased, and I have all confidence they will be, both by the Government and private parties.

J. A. S.

[Second indorsement.]

SURGEON-GENERAL'S OFFICE,
August 23, 1864.

Respectfully referred to Ordnance Bureau.

S. P. MOORE,
Surgeon-General.

[Third indorsement.]

NITER AND MINING BUREAU,
August 25, 1864.

Read and respectfully returned.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

[Inclosure.]

RICHMOND, VA., *August 12, 1864.*

Hon. G. A. TRENHOLM,
Secretary of the Treasury:

SIR: I have the honor to return herewith the estimates made by the various bureaus of the War Department of the amount of foreign funds required by them in the next six months to meet their wants abroad. These estimates are as follows:

Quartermaster's Department	£570,000
Commissary Department	511,000
Ordnance Bureau	162,000
Niter and Mining Bureau	135,000
Medical Department	113,000
Total	1,491,000

I have deducted from the estimate the 100 per cent. added in to cover freight and charges. Assuming the net value of a bale of cotton in Liverpool £40, it will require to meet the aggregate of above estimates that upward of 6,000 bales per month be exported from

Wilmington and Charleston, the only two ports now available. The tonnage at present commanded by the Government is entirely inadequate to so large an export. General McRae advises, under date of 4th ultimo, the purchase by him of fourteen steamers, the first four of which were to sail from England in the present month. These additional facilities may enable the Government to raise its exports to the requisite figure, provided in the meantime arrangements are perfected for the regular and prompt delivery of sufficient cargoes at the ports. I apprehend that in making their estimates the chiefs of bureaus did not take into consideration the supplies to be delivered under certain contracts.

First. The Collie contract places at the disposal of the—

Quartermaster's Department abroad	£150,000
Ordnance Bureau	20,000
Medical Department	22,500
Niter and Mining Bureau	7,500
Total	200,000

Second. The Davis-Fitzhugh contract will furnish at our ports between this and October some five or six cargoes of general supplies.

Third. The contract made by the Quartermaster's Department with Messrs. Rosenberg & Haiman provides for the delivery in Liverpool, payable in cotton at Wilmington, of 100,000 pair of shoes and a like number of suits of clothes, the whole to be delivered previous to 1st October next. Deliveries to the extent of £11,432½ had been made previous to 1st July ultimo.

Fourth. Other contracts for the delivery of supplies payable in cotton have been made. They will probably produce something, but they are so indefinite that no calculations can be based upon them. I would also call your attention to the fact that in making up their estimates the chiefs of bureaus do not seem to have considered the limited importing capacity that the Government is likely to command. This capacity is largely estimated, I think, at 2,000 tons per month. The estimate of the Commissary-General is based upon import per month for his department alone of 2,300 tons of freight; that of the chief of the Niter and Mining Bureau on the import for his Bureau alone per month of 1,600 tons.

Very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel.

MACON, *August 14, 1864.*

Hon. J. A. SEDDON,
Secretary:

I have called out the militia; will get 4,000 or 5,000. I ask for 5,000 stand of arms, with accouterments and ammunition. Call was made by order of Legislature at urgent request of Major-General Maury. One thousand men already reported; cannot get arms without your order, although promised by General Maury. Fatal consequences may follow failure. The Confederate forces here cannot save Mississippi or Alabama. General Forrest reports enemy 25,000 in Lafayette County. You know our resources.

CHAS. CLARK,
Governor of Mississippi.

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 65. } *Richmond, Va., August 15, 1864.*

I. It having been represented to the War Department that there are numbers of foreigners entrapped by artifice and fraud into the military and naval service of the United States who would gladly withdraw from further participation in the inhuman warfare waged against a people who have never given them a pretext for hostility, and that there are many inhabitants of the United States now retained in that service against their will who are averse to aiding in the unjust war now being prosecuted against the Confederate States; and it being also known that these men are prevented from abandoning such compulsory service by the difficulty they experience in escaping therefrom, it is ordered that all such persons coming within the lines of the Confederate armies shall be received, protected, and supplied with means of subsistence until such of them as desire it can be forwarded to the most convenient points on the border, when all facilities will be afforded them to return to their homes.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 15, 1864.

Governor CHARLES CLARK,
Macon, Miss.:

All arms within reach have been placed at General Maury's command. Others will be sent.

J. A. SEDDON,
Secretary of War.

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 66. } *Richmond, August 16, 1864.*

I. The extra pay allowed to men detailed from the Army under the "Act of Congress to provide for the compensation of non-commissioned officers, soldiers, sailors, and marines on detailed service," approved June 9, 1864 (General Orders, No. 53, current series), is established as follows:

1. The extra pay for extraordinary skill or industry, or for extra work contemplated in section 2 of the law, may be, in the city of Richmond, not exceeding the amounts named in the following schedule:

	Per diem.
Superintendent, not exceeding	$10.00
First-class foreman, not exceeding	7.50
First-class mechanics	6.00
Second-class mechanics	5.50
Third-class mechanics	5.00
Other employés showing uncommon skill or industry	4.00
Skilled clerks	6.00

2. The extra pay allowed in this schedule shall be regarded as pay for ten hours' work, and for all work requiring "uncommon skill" done in other than the regular ten hours the pay shall be 50 per cent. greater than the schedule price.

3. This extra pay may be increased or diminished at other posts or depots where workshops are established in proportion as the market

price of provisions is greater or less than in the city of Richmond, the Secretary of War and of the Navy acting conjointly as to such increase or diminution at points where there are establishments belonging to each branch of the service.

4. No restrictions will be placed on the amount of pay to be given by contractors to detailed men, save that the wages shall conform as nearly as possible to the wages received by similar classes in the employ of the Government.

5. The extra compensation for piecework, where such work is to the advantage of the Government, shall be regulated in conformity to the classification of workmen in section 1, the commanding officer, with the approval of the chief of the bureau concerned, fixing what shall be regarded as a full day's work with "uncommon industry." Compensation for work turned out over and above the quantities so fixed shall be paid at the rate fixed by the "extra compensation" for full day's work.

6. This act is to be construed as applying to men detailed "from the field," and does not apply to those attached in any way to an army in the field. The allowance of $2 a day is optional with the chief of each bureau, and any less sum may be paid according to the nature of occupation and services of the detailed man. It will be paid out of the funds of the bureau employing him, and for the days in which work is actually performed, unless otherwise specially ordered by the chief of bureau. Payments to men detailed in the Medical Department, except those on duty with purveyors, will be made by the Quartermaster's Department.

7. The clothing and rations issued to all classes of detailed and enrolled men shall be the same in kind and quantity as is issued to soldiers in the field, and shall be issued by the proper officer of the War Department in such manner and at such intervals as may be directed by the Secretary of War. Whenever, from any cause, the ration cannot be issued in kind within ten days after it is due, it shall be promptly commuted at its current value by the Commissary Department.

8. In like manner, whenever the clothing allowed cannot for any cause be furnished by the Quartermaster's Department, it shall be commuted by said department at the current local value of such clothing, to be fixed by the Quartermaster-General.

9. The other allowances, viz, fuel and quarters, will be commuted to each detailed man according to rates fixed by the Quartermaster-General.

10. These orders will take effect from the 1st of August instant.

By order:

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 67. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 16, 1864.*

I. The ration specified in paragraph II, General Orders, No. 59, current series, on which the hospital fund is to be reckoned, is as follows:

A half pound of bacon or pork, one pound and a half of flour or cornmeal (equal quantities of both to be used in the reckoning), and to every 100 rations, ten pounds of rice, one gallon of vinegar, one pound

and a half of candles, four pounds of soap, and three pounds of salt; and at that rate for any less number of rations.

II. All horses, mules, wagons, harness, and saddles in the hands of officers, soldiers, or citizens not authorized to retain them, branded "C. S." or "U. S.," or captured from or abandoned by the enemy, will be turned in at once to the nearest post quartermasters. But the rights of citizens, as established by General Orders, No. 61, 1863, are not intended to be divested by the operation of this paragraph; and persons having property under the conditions of that order, or who have property abandoned by the enemy of equivalent value to that taken from them, will not be molested without a special order.

Capt. R. V. Gaines, assistant quartermaster, in addition to his present duty, is specially charged with looking up and securing the above-described property. He will report through the inspector-general of field transportation to the Quartermaster-General.

III. Section 6, paragraph I, General Orders, No. 66, current series, is thus amended:

This act is construed to apply only to soldiers detailed from the Army and to conscripts detailed by the Bureau of Conscription for service in the several departments out of the field. The extra pay is not intended for soldiers detailed for duty in the field.

IV. All men enlisted in the forces for local defense will be held responsible in the money value of arms, equipments, &c., belonging to the Government and lost by them. All such men who are employés of the Government or of contractors under the Government will have the value of lost arms, &c., deducted from their salaries or wages—the amount to be turned over by the paymaster to the ordnance officer or other officer of the command who may be accountable for the property to the Treasury. These officers are charged with the execution of this order, will account to the Treasury for the money turned over to them under it, and will make quarterly reports of arms, equipments, &c., lost (giving names of parties losing them) to the chief of the Ordnance Bureau at Richmond.

V. Paragraph I, General Orders, No. 65, current series, is thus amended:

All detailed men (including those between eighteen and forty-five years of age) will report to and be commanded by the general of reserves in the States in which they have been assigned or detailed, who will organize them into companies and battalions. It is not anticipated that they will be called out except in emergencies occurring in or near the counties of their residence; nor will service be exacted of them beyond those counties and counties contiguous thereto, except that companies hereafter formed may be required to perform service in repelling raids along a line of railroad running through their respective counties. All exempts are allowed and invited to enroll themselves with such companies, so as to be prepared to aid in defending their homes when menaced by the enemy.

VI. Section 6, paragraph I, General Orders, No. 44, current series, is amended to read as follows:

Cavalry divisions and brigades may each have an assistant adjutant and inspector general (not to exceed, for divisions, the grade of major and for brigades the grade of captain) in addition to the number allowed infantry divisions and brigades.

VII. The commutation allowed enlisted men under paragraphs III, IV, and VI, General Orders, No. 8, current series, is fixed at $2.50 per diem, to take effect August 20, 1864.

VIII. Paragraph IV, General Orders, No. 96, 1863, is amended to allow sick and wounded men on furlough to draw rations or commutation therefor (at their option) from the date of their furloughs.

IX. Issues of clothing to soldiers in general hospitals located at posts where an officer of the Quartermaster's Department is stationed will be made by the post quartermaster or a subordinate officer designated by him.

By order:

S. COOPER,
Adjutant and Inspector General.

SANDY GROVE, NEAR BARTOW, GA., *August 16, 1864.*

[Hon. G. A. TRENHOLM,
Secretary of the Treasury:]

DEAR SIR: I see by the publication of a recent letter from you that you not only approve the policy of having a board of commissioners in the several States to fix and publish a schedule of prices to be paid by Government, but that you also recommend the adoption of the lowest scale of prices. I regret this. I did hope that a change of the head of the Department would bring a change of views upon this important subject, and that your counsels would be in favor of the abandonment of the policy. In my poor judgment Congress committed a great error in adopting it—an error which has produced serious injury, and is likely to produce greater injury for the future. As truth is elicited by interchange of views, pardon me for obtruding upon you a very brief statement of mine. The power of impressment is clearly conferred upon Congress by the Constitution; but it was evidently never intended that it should be exercised but from necessity. But the power of impressment does not carry with it the power to regulate prices. The Government may impress when its exigency demands it, but beyond that it cannot go. It must give just compensation for the property impressed. The impressment is confessedly an odious as well as an arbitrary exercise of power, and in all cases in which it is resorted to, where the circumstances do not clearly warrant it, it produces in the heart of the citizen more or less of bitterness and discontentment. If these positions be true, then is it not unwise for the Government to adopt and adhere to a policy which renders impressment necessary? That such has been and will continue to be the effect of these schedules of prices cannot admit of a doubt. I know that impressments had become necessary and had been resorted to before Congress adopted any law regulating the subject. That necessity resulted from the great depreciation of the Confederate currency. As long as that depreciation exists impressment to a greater or less extent will continue to be necessary. But the duty it inculcated and still inculcates upon Congress is to adopt a policy that will appreciate the currency and thus obviate the necessity of impressment. But Congress adopted precisely the opposite policy. They not only adopted impressment as a permanent means of raising supplies for the Army, but coupled with it a mode of fixing prices far below the nominal value of the articles impressed. The scale of prices is so low that citizens will not voluntarily sell to the Government, and therefore impressment is indispensable. This, therefore, is the first objection I have against the existence of the State boards. Low prices are greatly to be desired. It is a blessing

to Government and people; but attempts to establish them by law always proved disastrous and always will.

The next objection that occurs to my mind is this: The maximum policy discourages production. Heretofore, when our agricultural area was very large, this was a matter of less importance. But now that it is so circumscribed as to require all our skill and energy to produce enough to support the Army and people it is vital. Every man ought to be governed by patriotism, and for the sake of our cause and country be willing to produce all that he possibly can, with or without price. Few, however, are animated by a spirit so noble and magnanimous. The great mass desire to be fully remunerated for their labor in time of war as well as peace. Indeed, I think the greed for gain was never so rampant as it is now. It is epidemic and chronic, nearly all are under its influence, and it is scarcely to be hoped that it can be cured by appeals to patriotic sentiment and duty, or suppressed by legislative devices. We must take things as they are and men as they are, and so shape legislation as to make the unfavorableness of the former and the selfishness of the latter subservient to the great cause in which we are struggling. Instead of being too eager to reduce prices it were better for Government to stimulate production by submitting to the prices which are incident to the condition of the currency and the abnormal condition of all the branches of trade and industry. A currency approaching the value of specie will reduce prices. Nothing else can. It is nothing but mere tinkering, financial charlatanism, to expect to appreciate Treasury notes by seizing the property of citizens and compelling them to accept as compensation half or less than half that it will command in the markets of the country. Looking to the history of the past three years, it seems to me that it does not lie in the mouth of the Government to complain of the ruling prices of everything that is for sale. It is all the legitimate fruit of war, and the great mistake of attempting to carry it on exclusively upon credit. Congress is responsible for this, not Mr. Memminger or the Cabinet. If a vigorous system of taxation had been adopted at the beginning and been kept up *pari passu* with the progress of the war, our financial condition had been entirely different to-day; our currency would have been better, our public debt infinitely less, and prices correspondingly lower. If these things be true, ought the Government to complain of prices? Especially it ought not when it is remembered that it is clothed with the taxing power to the extent of controlling for the exigencies of the war the entire property of the Confederacy. If it must pay enormous prices, it can also bring back to the Treasury by taxation sufficient to meet the demand.

The unequal operation of the schedule of prices fixed by the commissioners ought to secure its unqualified condemnation. In the nature of things impressment cannot be universal, *i. e.*, every citizen cannot be practically subjected to it. It is applied mainly, indeed almost exclusively, to those who reside or have their plantations on or near our great lines of transportation or within striking distance from them. A large portion of the impressing officers are too lazy to extend their operations over the country generally. The consequence is that the hardships of impressment fall on comparatively few, while justice requires that all should bear their proportionate share of the burdens of the war. The hardship is great and grievous. A has 100 bushels of wheat over and above what is necessary for his family consumption. It is for sale. It will command $25 per bushel, but the

Government impresses it at from $5 to $7.50 per bushel—that is to say, he is taxed or forced to contribute to the support of Government the amount of the difference between the schedule price and the price which he could obtain in market, which in the case supposed would be from $1,750 to $2,000 on this 100 bushels of wheat. If this policy operated on all in proportion to their means there would be no injustice or inequality, but as it touches only a few it is monstrous. Nothing can be conceived which is so calculated to produce dissatisfaction and discourage production. It ought to be at once abandoned. Labor and commerce are Siamese twins; Government should interfere with them as little as possible. If it interfere at all it should always be in a line parallel with the laws of their normal action to stimulate and encourage rather than to regulate and control. And as money is the blood of commerce, and useful only to equalize the differences of value in the exchange of the productions of labor, the only legitimate duty and function of Government is to preserve its purity and health, so that its circulation may be uniform throughout the system, regulated in volume and velocity alone by the laws of supply and demand. Labor should be encouraged by paying market value for its productions. Commerce should be encouraged by knocking off fetters, rather than cramping it by legislative restrictions. The currency can be preserved from dropsy by keeping down redundancy, and in no other way; and whilst the Confederate Government has the entire field of paper circulation, it can prevent redundancy only by making taxation in some degree commensurate with expenditure; or if this cannot be done (and I believe it cannot now be done), then in relying upon its credit for the deficit of receipts to meet disbursements. That credit should not be in the form of Treasury notes, but in bonds payable at a period sufficiently remote to allow posterity to share part of the burdens, as it will reap all the blessings, of this revolution.

Hence you will perceive (I will say in passing) that I do not approve the legislation of Congress imposing heavy restrictions upon our foreign commerce, impressing all the blockade-running vessels and compelling them to share their cargoes equally with the Confederate States. It will crush out in due time that branch of business. When existing vessels shall have been destroyed or fallen into the hands of the enemy few more, if any, will be built. Men will not hazard such large amounts of private capital as are required to put steamers afloat if they are not permitted by Government to reap all the fruits of their investments. This, at least, is my poor opinion. It were better for the Government to give the utmost encouragement to this branch of enterprise. It might pass such laws as would make it the interest of the blockaders to bring in necessaries to the exclusion of mere luxuries, and in that way procure more copious supplies for the Army than will possibly result from existing laws and regulations.

Strictly this is a digression from the main subject of this communication, but as it is germane you will pardon it. I also beg pardon for troubling you with so long a letter—three times as long as I intended when I began to write. I thought I was done, but since writing the above I have seen the impressing officer of this county (Jefferson). He informs me that he cannot get wheat at schedule price ($5 per bushel). This is not singular, when it is remembered that Confederate money is worth only about 5 cents on the dollar, making the schedule price in fact but 25 cents per bushel. How are the farmers to pay their taxes? Why not pay something like market value for supplies? The taxing power enables the Government to reimburse

itself amply and fully. Why persist in a policy that produces such deep and widespread dissatisfaction? Wheat is now selling in Augusta at $30 per bushel. Why not strike a fair medium and offer at once $20 per bushel? With this the country will be satisfied. They will not be satisfied with less. And to add to the discontent the Government is not paying for what it gets. It is simply giving the planters a receipt for the produce containing a promise to pay, which promise may be redeemed in a reasonable time, or in a year, or never. This is all wrong—suicidal in policy. The Government should pay cash for what it impresses and pay fair prices. In a revolution like this it is immensely important to keep the people satisfied and in good humor. They are reasonably patriotic and willing to make sacrifices; but their forbearance may be broken down. As matters now stand, I assure you and the Secretary of War that it will be difficult to procure supplies. The surplus of wheat is small in all this region of country. There is no surplus of meat. At the rates now offered for wheat those who have surplus will hurry it off to the markets in which they can obtain from $25 to $30 per bushel. They are doing it rapidly, and very soon it will have passed from their hands. The Secretary of War should act promptly and authorize his impressing agents to pay $20 per bushel, which is only $1 per bushel in real value. When it is notorious that in peace times wheat was never worth less than $1.25 to $2 per bushel; and with due respect and in all candor I will say that it is of the utmost importance that the Secretary of the Treasury should see to it that the funds be furnished to pay cash for supplies. I know what I say. I am of the people. I know their temper, and I assure you that what I say is worthy of consideration and prompt action. Pay no regard whatever to schedule prices. They are simply ridiculous. It is mere mockery to offer $5 per bushel for wheat and $4 for corn which is now selling for $12 to $15 per bushel. I hope you will not be offended at my urgency. I speak what I believe to be for the good of the country. We cannot pause now to count dollars and cents too closely. The Government, like the people, must submit to the necessities of our condition.

The Senate at the last session passed a bill to levy an additional tithe to be taken at schedule prices. It was a good measure, for no matter what the prices might have been, as all came within its operation, it would have acted equally and justly. But the House refused to pass it. The House committed a great mistake. It would have supplied the Army and abolished impressment. The Senate also passed a bill to pay for supplies in specie certificates payable after the war. The House refused to agree to it and thus committed another mistake. That form of credit would have been satisfactory to the people. I voted for both measures because I thought I saw in them that which would efficiently tend to the improvement of our currency. Thus we are left to higgle with the people by arbitration over prices for supplies. My dear sir, be bold; don't hesitate to take the responsibility to rescue us from disaster by all proper means.

I have the honor to be, your obedient servant,

HERSCHEL V. JOHNSON.

P. S.—Of course, if you should desire, you are at liberty to show this to the Secretary of War or any other person by whose perusal of it you may think any good might be accomplished. No man is more thoroughly friendly to the Administration than I.

H. V. J.

RICHMOND, VA., *August 16, 1864.*

Hon. A. M. CLAYTON,
Judge of the District of the State of Mississippi:

MY DEAR SIR: Statements have reached me from Mississippi to the effect that the military commanders would receive valuable assistance in the proper administration of that department if a more active co-operation were extended to them by the civil authorities. It is thought that frequent sessions of your court would be specially beneficial if held near the lines, where trading with the enemy and other illegal practices are said to prevail, and where the necessary witnesses could be readily assembled. Canton, Brandon, and Jackson have been suggested as places suitable for the purpose. At this distance I cannot venture to do more than invite your attention to the matter, as your friend, and to mention to you that complaints have been made. You will of course exercise your own discretion in the premises. I shall be glad to hear from you always, and I sincerely trust that your health and strength enable you to bear the trials and discomforts to which you are necessarily subjected.

With my kindest remembrances to your wife and daughter,

I am, very respectfully and truly, yours,

JEFFERSON DAVIS.

C. S. QUARTERMASTER'S DEPT., RAILROAD BUREAU,
Richmond, August 16, 1864.

General LAWTON,
Quartermaster-General:

GENERAL: Inclosed I have the honor to return you the papers relative to a reduction of employés on the North Carolina Railroad to the number required by law; and in reply have to say that such a step, in my opinion, would result in embarrassment to the transportation of supplies over this road. The demands of this road for labor have been always excessive and no doubt are so in this instance, but from my information as to the actual wants of a railroad doing so much work as the North Carolina company, I am satisfied that it is impossible to operate and keep it up with the one man per mile allowed by law. The worst feature in reducing the force upon a railroad is that the deterioration consequent upon such a step is so gradual that it is scarcely perceived before the injury is very serious, and to restore a badly worn road to good condition with the present difficulties is a most difficult matter.

In consequence of a reduction of force on the North Carolina road it became in the fall of 1862 and spring of 1863 nearly impassable, but the efforts of the superintendent, aided by all that you could do for him, have resulted in making it one of the best roads in the Confederacy. You surely cannot have forgotten, general, the frequent and anxious conferences had in regard to this very road, and it is proper to say that its present efficient condition is due to the liberal details secured through you and rendered necessary by its then deplorable condition. It seems very hard that when our efforts are meeting with success that the policy which dictated the efforts is to be totally ignored.

I can refer you for a similar case with similar results to the South Carolina Railroad. We have fostered it and encouraged it until its condition is vastly improved, but if this law is enforced depreciation

cannot be avoided. You know how intense was your anxiety in regard to it and how every means was exhausted to supply it with men and material. How discouraging it is now, just as it has gotten on rising ground, to restrict its facilities.

The condition of every railroad in the Confederacy is affected by this law and if it is enforced many of them will suffer. It is a mistake to suppose that "other roads," entitled to not half so many exemptions, in more exposed situations, and as busily engaged in Government transportation, were successfully operated without calling for "details." Their trains run, it is true, but labor is needed by all and sooner or later must be given. It was a short-sighted policy that run the road's machinery down, and we were just recovering from the effects of it when the present law was passed. No lesson seems to have been learned by experience.

In the regulations carrying out the late law the subject of details is left entirely with the Bureau of Conscription. If the execution of the law is paramount to every other consideration, then applications are useless; but if it is thought that keeping up the railroads is a matter of sufficient moment to allow all consistent advantages to them, the application is worthy of very grave attention. But before any decision is given the wants of the road should be specifically stated. It is not in the correspondence.

I am, general, very respectfully, &c.,

F. W. SIMS,
Lieutenant-Colonel, &c.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
August 20, 1864.

The within papers are respectfully submitted to Honorable Secretary of War, with the earnest request that the Bureau of Conscription be instructed to allow to this road all the details applied for. They are believed to be absolutely essential to the efficiency of a road upon which we rely very much for all our supplies.

A. R. LAWTON,
Quartermaster-General.

[Second indorsement.]

AUGUST 22, 1864.

QUARTERMASTER-GENERAL:

It is evident, I think, that the claim for details on this road are exorbitant. Whether the number should be reduced to the number allowed by law is more doubtful; there should certainly be a reduction, but there is not evidence afforded of the extent. You had probably better direct an officer capable of judging, yet not committed to consider primarily the railroad interests, to examine and report on this point.

J. A. S.

[Inclosure.]

OFFICE NORTH CAROLINA RAILROAD COMPANY,
Vance, June 28, 1864.

Col. PETER MALLETT,
Commanding Conscripts, Raleigh, N. C.:

DEAR SIR: In reply to your letter of last week, covering a copy of the decision of Colonel Preston in relation to the large force we have

on our road, I have nothing further to add to the facts and suggestions heretofore made to you, to the Bureau of Conscription, and the Secretary of War. If the Government can dispense with a large part of the transportation afforded by this road, then we will not need so many hands; but if it is desirable to have it worked to its full capacity, then we can spare none of them. The Government can take its choice—either have the men and let the road and Army suffer, or leave the men alone and let the road be worked as advantageously as possible. As soon as you take the men I must stop all other trains from running on this road. There are now six foreign trains at work here. We can barely keep enough wood on the road from day to day. We cannot do with less men than we now have. Take those we have and I know not where to supply their places, even so far as labor is concerned. Those who get wood off their own land are doubly valuable to us, for they furnish not only wood, which otherwise we cannot obtain, but the labor also.

Will you please refer this letter to the chief of the Bureau, that he may confer with the Quartermaster-General.

Very respectfully,

THOMAS WEBB,
President.

[First indorsement.]

CONSCRIPT OFFICE,
Raleigh, N. C., June 29, 1864.

Respectfully forwarded to the Bureau of Conscription for instructions.

PETER MALLETT,
Colonel, Commandant Conscripts, North Carolina.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, August 5, 1864.

Respectfully referred to the Secretary of War.

This communication is in reply to an indorsement on the report of an inspection of this road, which developed the fact that the number of employés liable to conscription was largely in excess of the number of exemptions authorized by law. It is considered that the number of exempts allowed was sufficiently large to include all whose services were indispensable because of mechanical or scientific skill, business experience, capacity, &c., and that what other labor was required it should be procured from other sources, and the commandant of conscripts was directed so to inform the officers of this road, that efforts should at once be made to make the changes indicated. It was observed that other roads entitled to not half so many exemptions, in more exposed situations, and as busily engaged in Government transportation, were successfully operated without calling for details, and no reason was perceived why an exception in favor of this one should be made, traversing, as it does, a fertile and large slave-holding region. It was not proposed to insist on a violent change, but that the reduction should be as gradual as circumstances permitted, while assurances were given that diligent and bona fide efforts were being made to effect other arrangements. The statements in this communication render arbitrary action necessary, but before adopting such a course the action proposed is submitted for approval. It is proposed to make a reduction of one-fourth at the end of thirty days

and of one-eighth at the end of every succeeding fifteen days until the number of employés is confined within the limits recognized by law.

T. P. AUGUST,
Colonel and Acting Superintendent.

[AUGUST 16, 1864.—For Watts to Maury, in regard to the organization of the militia of Alabama for defense of the State, see Series I, Vol. XXXIX, Part II, p. 780.]

RICHMOND, VA., *August 18, 1864.*

General B. BRAGG:

SIR: You will require the chief of the Bureau of Conscription to furnish you a list of all officers employed on conscript duty, the post of duty, order of assignment, and by what commission they are serving. You will also require to be submitted to you such report as has been received of inspections made, and of the enrollment and distribution of recruits within the last six months. While these returns are in course of preparation they will, as completed, be submitted for examination and such action as may be found needful.

Very respectfully, yours, &c.,

JEFFERSON DAVIS.

[AUGUST 19, 1864.—For orders of the Governor of Georgia placing the militia division under command of General Hood, see Series I, Vol. LII, Part II, p. 724.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 20, 1864.

Maj. Gen. SAM. JONES,
Commanding, Charleston, S. C.:

GENERAL: Your letter of the 10th instant addressed to the Commissary-General has been referred to me. The mode of utilizing the surplus products of detailed or exempt farmers suggested by you, viz, by authorizing them to be sold to county boards of relief or other associations for the supply of indigent soldiers' families, has been in various instances sanctioned by the Department. Care, however, should be taken that the purchases from exempted and detailed farmers are either for the Government or the families of soldiers. The boards of relief have frequently wider duties than the relief of soldiers' families, and I have no authority to allow purchases except for the class specified in the law.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

SPOTSWOOD HOTEL,
Richmond, August 20, 1864.

His Excellency President DAVIS:

SIR: There is a law, approved October 12, 1862, giving to the President authority to commission officers temporarily for recruiting service.

I believe that in the present condition of affairs in Kentucky, if you would commission me as colonel of cavalry and allow me to select, say, ten men, all Kentuckians, to operate with me, I could be the means of doing much good for our cause in Kentucky, and in a few months would raise certainly a regiment, and perhaps more men, for the service. I would select substantial, active men from different portions of the State—men who have some personal influence in their immediate neighborhoods—send them into the State, partly to recruit and partly to communicate with the discontents, and for them to this Government. I will myself go into the State and attempt the formation of a secret Southern society, the object of which shall be to throw all obstacles possible in the way of the Lincoln Administration in the State, to aid those who desire to come out, and if the occasion should offer to take up arms simultaneously all over the State for our cause. I believe, sir, that I could do much good in this way. I am satisfied that by the day of the Presidential election I would enlist a sufficient number of men and, holding them in the mountains of the State, could control that end of the State to such an extent as at least to allow the people to have a fair vote. I ask for the commission, sir, for the simple reason that I am not able to go on such an enterprise without some means of support for my family; otherwise I would desire only the authority to go into the State to recruit. I will assure you, sir, that as soon as I am satisfied that I cannot succeed in my endeavors I will return the commission. I think three, or at the most four, months will certainly determine the matter. An early answer is respectfully requested.

Respectfully,

ROBT. J. BRECKINRIDGE.

[Indorsement.]

SECRETARY OF WAR:

This application is free from one objection, that of conflict with enrollment, but whether the others are such as to prevent compliance is submitted for your advice.

J. D.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 21, 1864.

Governor CHARLES CLARK,
Macon, Miss.:

Colonel Gorgas, of Ordnance Bureau, has sent on arms which he thinks will reach you in time without stopping those on the way.*

J. A. SEDDON,
Secretary of War.

MONTGOMERY, ALA., *August 22, 1864.*

Hon. G. A. TRENHOLM,
Secretary of the Treasury, Richmond, Va.:

SIR: On the 6th of August I received a request from the Secretary of War at your suggestion to meet the commissioners from the other States in Richmond on the 10th instant for conference. In consequence of interruption of the mails I very much regret that the communication was received too late for me to comply, as I am sure that

* This in reply to Clark of August 18. Series I, Vol. XXXIX, Part II, p. 781.

benefit must result from such conference. Allow me to assure you of the hearty co-operation of the commissioners of this State in carrying out the suggestions of that conference, and an earnest desire to contribute by our action in sustaining the credit of the Confederate currency. I take the liberty of inclosing herewith the outline of a new mode of impressment, which should be properly addressed to the Secretary of War, and was intended to be signed by the commissioners from Georgia, Alabama, and Mississippi, but the mails are so uncertain I prefer submitting it to you for your consideration, and if you think well of the plan soliciting your influence in having it carried out. I am aware that the plan needs perfecting, but believe that if perfected and adopted it will result very beneficially in sustaining our currency by reducing prices of the leading articles of consumption. It may be urged that there is no authority for such action under the impressment law. Still, I would urge it as a war measure, and I believe that it will meet the approval of nine-tenths of the people.

I have the honor to be, your obedient servant,

R. C. FARISS,
Commissioner for Alabama.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
September 16, 1864.

When the Secretary of War is invested with despotic power he may issue the appropriate orders to effect this plan. When he can punish inflexibly and vindictively every violation of the rules promulgated he may hope to have them observed.

Respectfully,

L. B. NORTHROP.

[Inclosure.]

Honorable SECRETARY OF WAR:

The undersigned, commissioners under the impressment act for the States of Alabama, Mississippi, and Georgia, having in view the best interests of the Government and speaking from daily observation, most respectfully recommend: That it is to the interest of the Government that orders be issued to the Commissary and Quartermaster's Departments to at once notify producers in each of the Confederate States that the whole of the surplus production of wheat, corn, oats, rye, fodder, bacon, beef, lard, &c., must be held subject to the order of the Confederate Government, to be paid for at commissioners' schedule rates, and to be delivered at the usual places of shipment only when called for by the agents of the Government. We most respectfully submit briefly the following reasons for this policy:

First. The Government, by becoming the purchaser of the whole surplus, at once removes all competition from either speculators or non-producers.

Second. That the private barns, cribs, and store-houses are the safest places for the Government to store such supplies, and the owners of the said supplies the best agents. As the Government will only pay for the amount delivered, it is safe to presume that producers will protect their [own interests].

Third. That but for speculators and non-producers offering higher prices than schedule rates published by the commissioners, producers would be entirely satisfied with these rates, and we believe prices could be in a few months materially reduced.

Fourth. There are a large number of distillers in each of the States manufacturing under contracts, either State or Confederate. To fill these contracts they are offering most exorbitant prices for grain, thereby causing dissatisfaction with schedule rates, and at the same time depreciating our currency. We further respectfully suggest that the whole matter of impressment and purchase of supplies should be in the hands of the officers of the tax in kind, and that they be instructed to supply non-producers at cost certain amounts, according to the number they may have in the family, which shall be ascertained by affidavit of the applicant; and also that they be instructed to furnish retail grocers in towns and cities, on their oath to the effect that the supplies are for the purpose of retailing, and binding themselves not to charge exceeding —— per cent. above cost. Also, that distillers under contract to the Confederate States be allowed to draw their supplies of grain from the same source.

The above views are most respectfully presented to the consideration of the War Department, believing, as we do, that if perfected and carried into operation the plan will result in great benefit to the Government and people.

We have the honor to be, your obedient servants,

R. C. FARISS,
Commissioner for Alabama.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 22, 1864.

Maj. C. BOYLE,
Provost-Marshal, Gordonsville, Va.:

SIR: Mr. J. M. F. Fant, of Culpeper, reports that you have caused to be detained at Gordonsville some twenty boxes of tobacco and require my permit before allowing it to be carried to Culpeper County. You are requested to state on what special authority the transportation of goods to Culpeper and Fauquier Counties, while not within the lines of the enemy, nor in any part occupied by them, is prohibited. I do not see that the Department or any of its officers has the right to stop the passage of articles of merchandise from one county of the State to another.

Respectfully,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 23, 1864.

General W. H. C. WHITING,
Wilmington, N. C.:

All foreigners, not as residents subject to military duty, are entitled to leave the Confederacy from any of its ports to neutral countries.

J. A. SEDDON,
Secretary of War.

[AUGUST 23, 1864.—For Lee to Seddon, in regard to recruiting for the Army, and Seddon's reply (August 26), see Series I, Vol. XLII, Part II, pp. 1199, 1203.]

[AUGUST 25, 1864.—For Baker to Vance, recommending a call of the whole military force of North Carolina to be assembled at Goldsborough, see Series I, Vol. XLII, Part II, p. 1203.]

GENERAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 68. } *Richmond, Va., August 26, 1864.*

I. The act of Congress "to provide for the establishment and payment of claims for a certain description of property taken or informally impressed," approved June 14, 1864, and published in General Orders, No. 54, current series, does not prescribe any rule of decision to the accounting officers of the Government, but was designed to secure for the claimant an early method of obtaining proof for his claim. The Department, therefore, recommends to the commissioners appointed under the aforesaid act to receive the proof of the claims that may be made for the property designated in the act and embraced in its objects, with which any claimant may be prepared, although the same may not be, in their opinion, sufficient to support a claim against the Confederate States, nor conform to the directions in General Orders, No. 54. But all claims that are not supported by testimony as prescribed in the general orders just cited should be reported separately from the others and as being taken under this order.

II. Requisitions may be made by any commissioner appointed under said act upon a quartermaster of a post in his district for a reasonable supply of stationery to enable him to perform his duties, and also for the payment of six advertisements in two newspapers, to be published in the district, of the time and places at which he may hold his sessions. No allowances will be made for clerk hire or counsel fees.

III. The allowances to the commissioners will be paid at the Treasury, after being audited by the Second Auditor, from the fund for "contingent expenses of the Army," and claims for services under the act by a commissioner will be sent to the Second Auditor properly authenticated for allowances.

By order:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS,
Gordonsville, Va., August 26, 1864.

Hon. J. A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Yours of the 22d was received on yesterday, and in reply I have the honor to report that I have acted in compliance with the orders inclosed from headquarters Army of Northern Virginia; also your attention is called to copy of letter from Maj. B. P. Noland, chief commissary for Virginia, dated 17th of this month.

I have written and called on Major Noland for your instructions in this matter. The order cannot be executed without giving dissatisfaction, as this is a frontier post since the army has been around Richmond. Large quantities of cotton, tobacco, &c., are carried to

the frontier for the purpose of being transported, when opportunity will permit, to the enemy's country.

I am, sir, very respectfully, your obedient servant,

CORNELIUS BOYLE,
Maj. and Prov. Mar., Army of Northern Virginia, Comdg. Post.

[Inclosure No. 1.]

CONFEDERATE STATES OF AMERICA,
SUBSISTENCE DEPT., OFFICE CHIEF COMMISSARY
OF SUBSISTENCE FOR VIRGINIA,
Richmond, August 17, 1864.

Maj. C. BOYLE,
Chief Provost-Marshal, &c., Gordonsville, Va.:

MAJOR: I inclose you herewith permit for Mr. Miller, the agent of Rappahannock County, for cottons for the people of that county furnished under the laws of Virginia. The Secretary of War will grant similar permits in all such cases, but requires the parties to obtain them. With all our care large quantities of cotton and tobacco are passed through the lines illegally.

I am glad to find you are rigidly enforcing the law and regulations.

* * * * * * *

Your obedient servant,

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

[Inclosure No. 2.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
April 4, 1864.

Maj. C. BOYLE,
Provost-Marshal Army of Northern Virginia and Commandant Post, Gordonsville:

MAJOR: The general commanding directs me to call your attention to the inclosed general orders* and to explain to you that he desires it to be enforced without giving undue publicity to the order itself or the traffic referred to in it. To this end you will give general directions that any of the prohibited articles passing through your command en route or apparently so beyond our lines to any point be stopped and the fact reported to you. You will then see to the execution of the order without making its existence known generally. It is desirable that the enemy should not be informed that the Government authorizes such a trade, as it would no doubt prevent it. If the carriers appear only as persons engaged in private ventures, there will be less difficulty.

Yours, very respectfully,

CHARLES MARSHALL,
Aide-de-Camp.

GENERAL ORDERS, No. 69. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., August 27, 1864.

I. The Bureau of Conscription will cause to be delivered from the proper officers of the Bureau to the chief commissary in every State a report containing the names of all the persons in the State, with

* See No. 23, March 29, 1864, Series I, Vol. LI, Part II, p. 842.

the places of their residence, who have obtained exemptions or details as agriculturists, owners, overseers, managers, farmers, planters, or otherwise, as producers of grain or provisions, under the fourth paragraph of the tenth section of the military act of the 17th of February, 1864, published in General Orders, No. 26, current series, together with a statement of the terms of the contract, the sureties to the same, and with all other pertinent facts relating to the said exemption or detail. The officers of the Subsistence Department, under the direction of the Commissary-General and chief commissary of each State, are charged with the collection of the meat which any exempt or detailed men may have contracted to pay, and to give an acquittance therefor; also to make whatever commutations or reductions that may be authorized by the act whenever the conditions are established that justify the same, and to make all the purchases of the marketable surplus at the prices specified in the act, which the same authorizes to be made on behalf of the Government, the said Subsistence Department being hereby clothed with authority to represent the Government in the enforcement of its claims under the contracts and obligations that the act imposes upon the exempts and detailed men described therein.

II. In order that the regulation on the subject of the sale of the marketable surplus of the provisions and grain to the Government and the families of soldiers in the said act may have execution, the commissaries in the different States may be instructed to limit their purchases of grain and provisions of the marketable surplus in any district to some definite proportion, not to exceed one-half, and to leave the remainder for the persons who purchase on behalf of the families of soldiers.

III. All agents appointed by the public authorities of any State, county, or town to supply food for the families of soldiers are authorized to purchase the portion unappropriated by the Government for the object of their trust. The commanders of conscripts or the chief commissary of each State or district may authenticate the authority of such agents, and persons selling to agents thus authenticated shall be fully warranted to do so.

IV. The families of soldiers as described in the said act are the families composed of the wife or wife and children of any person who belongs to the Army; the widow or widow and children of any person who died while in the service; the mother and sisters of any soldier or soldiers in the Army and who resided with them as members in the same family or were dependent upon their labor or support; the parents or sisters of any person belonging to the Army who resided in the same family with them and who derived from them support.

V. Officers are authorized to purchase necessary subsistence for their families under this act.

VI. Every exempt and detailed man under this act shall render to the enrolling officer in his district a detailed statement of the marketable surplus produced and sold by him, with testimony that the sales were to the Government or to soldiers' families, which statement shall be sent to the commander of conscripts for the State, and thereupon satisfaction upon his bond shall be entered.

VII. The act of Congress aforesaid provides that exemptions in favor of the classes aforesaid shall cease whenever the farmer, planter, or overseer shall fail diligently to employ in good faith his own skill, capital, and labor exclusively in the production of grain and provisions, to be sold to the Government and the families of soldiers at

prices not exceeding those fixed at the time for like articles by the commissioners of the State under the impressment act. It has been represented to the Department that there are instances of persons exempt or detailed under this act who pay but little respect to the obligations they have contracted; that they have become speculators in food and provisions; that they are negligent and careless as to the extent of their productions, and openly affirm that they do not mean to have any surplus. The Department is required in all such or similar cases to revoke the detail, and the performance of this duty is devolved upon the Bureau of Conscription, upon proper testimony being afforded to them or to their officers to be designated by them to perform this duty.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 203. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 27, 1864.*

* * * * * * *

XXXIV. In view of the importance of harmony of action and uniformity with reference to prices in States contiguous and similarly situated, the commissioners to fix prices in the States of South Carolina, Florida, Georgia, Alabama, Mississippi, and Tennessee are instructed to convene for conference and mutual concert of action, as far as may by them be deemed practicable and expedient, on the 20th of September next at Montgomery, Ala. On the 30th of the same month the commissioners for Virginia and North Carolina will convene for like purposes at Raleigh, N. C. Attention to this order is particularly requested and prompt compliance enjoined.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

GENERAL ORDERS, No. 70. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, August 29, 1864.*

I. In consequence of the addition of fifty artillery officers for ordnance duty by act of Congress, approved June 10, 1864, the distribution of grades announced in General Orders, No. 110, 1863, is changed to the following: Five lieutenant-colonels, ten majors, eighty-five captains, sixty first lieutenants, and forty second lieutenants.

II. These officers, together with such officers of the regular Confederate Army and field officers of the provisional artillery as are placed on ordnance duty by the Secretary of War, will alone, hereafter, constitute the corps of officers for ordnance duty. All other officers on ordnance duty are only incidentally ordnance officers, and are liable to be replaced by the class of officers above enumerated.

III. All officers on ordnance duty will, without delay, report by letter to the Chief of Ordnance at Richmond, stating, first, their rank; second, date of commission; third, arm of service; fourth, the State to which they belong; fifth, date of assignment to ordnance duty; sixth, the authority by which assigned, furnishing date, and, if possible, copy of order of assignment. Officers of the Regular Army will

report both their regular and provisional commissions or commissions conferring temporary rank.

IV. Appointments in the corps of artillery officers for ordnance duty established by acts of Congress approved April 21, 1862, September 16, 1862, and June 10, 1864, will be made to the grade of second lieutenants after the usual examinations. Candidates examined prior to the passage of act approved June 10, 1864, may, however, on recommendation, be appointed to grades for which they were recommended and in which they have been serving under General Orders, No. 12, 1863.

V. The Government foundry, blacksmith shops, and laboratory of the Ordnance Department at Salisbury, N. C., will hereafter be known as the "Salisbury Arsenal."

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., August 29, 1864.

General BRAXTON BRAGG,
Commanding:

GENERAL: I have the honor to forward herewith a list of the officers employed on duty in this office, as requested.

I am, general, very respectfully, your obedient servant,

G. W. LAY,
Lieutenant-Colonel and Acting Superintendent.

[First indorsement.]

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
September 5, 1864.

Respectfully submitted to His Excellency the President.

There appear to be several points in this report inviting attention.

First. An able-bodied colonel has for two years done office duty, whilst his regiment has been on hard field service in the Army of Virginia. The duty could be as well performed by a disabled officer, of whom we have so many. In that event this colonel might see a little field service yet before the war is over and learn something of the rules of discipline and respect for his superiors, of which he appears to be much in need from the inclosed copy of a letter recently addressed to this office.*

Second. The officer charged with the duty of general inspection does not seem to devote much time to it. He has been in this city since March, except when absent as a volunteer on General Beauregard's staff for a short time. I have called for the reports of his inspections, but received none.

Third. The duties assigned Lieutenant Goldthwaite seem to be too important to be intrusted to so young a man without experience, and could better be performed by some older and good soldier disabled by wounds.

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* See August 2, p. 568.

The whole organization appears to be defective and inefficient, and to a great extent explains the invariable reports of inspectors, that the duty of putting men in the Army is retarded by the want of prompt action on applications and appeals. It will be seen from the papers forwarded that there have been three acting superintendents of this Bureau within a few days past.

BRAXTON BRAGG,
General.

[Second indorsement.]

SEPTEMBER 6, 1864.

Referred to the Secretary of War for attention, &c.

The remarks of General Bragg point out objections which seem to require action.

JEFFERSON DAVIS.

[Third indorsement.]

SEPTEMBER 7, 1864.

Referred to General Preston, whose attention is asked to the strictures of General Bragg and the President's indorsement, and who is requested to report on the points suggested.

JAMES A. SEDDON,
Secretary.

[Inclosure No. 1.]

List of officers on duty in the Bureau of Conscription August 29, 1864.

No.	Name and rank.	Regiment or corps.	When assigned.	By what authority.
1	J. S. Preston, brigadier-general...	Provisional Army, C. S.	July 30, 1863	Special Orders, No. 180, paragraph XX, Adjutant and Inspector General's Office.
2	T. P. August, colonel (*a*).....	15th Virginia Infantry.	Oct. 15, 1863	Special Orders, No. 121, paragraph I, Bureau of Conscription.
3	G. W. Lay, lieutenant-colonel.....	Assistant adjutant-general.	Jan. 2, 1863	Special Orders, No. 1, paragraph XXII, Adjutant and Inspector General's Office.
4	Jno. Claiborne, major (*b*).....	Quartermaster.....	May 10, 1864	Special Orders, No. 56, paragraph II, Bureau of Conscription.
5	C. B. Duffield, captain (*c*).....	Assistant adjutant-general.	Mar. 14, 1863	Special Orders, No. 30, paragraph I, Bureau of Conscription.
6	Thos. Goldthwaite, first lieutenant (*c*).	Drill-master.....	Apr. 7, 1863	Special Orders, No. 37, paragraph I, Bureau of Conscription.
7	J. A. Lynham, first lieutenant (*c*).	.....do	Jan. 30, 1864	Special Orders, No. 14, paragraph —, Bureau of Conscription.
8	Thos. Pinckney, second lieutenant (*d*).	.....do	July 27, 1863	Special Orders, No. —, July 27, Bureau of Conscription.

a Reported to this Bureau, in conformity with paragraph V, General Orders, No. 96, Adjutant and Inspector General's Office, 1862.

b Ordered to report to this Bureau by Quartermaster-General May 10, 1864. In charge of distribution of funds appropriated by Congress for the conscript service.

c Ordered to report on his commission.

d Transferred from conscript office at Columbia by order of superintendent of Bureau of Conscripts.

[Inclosure No. 2.]

Statement of the particular duties performed by the officers of the Bureau of Conscription, requested by General Bragg in his communication of the 30th instant, to be furnished for file with the list of the names, &c., of said officers, heretofore furnished.

Brig. Gen. J. S. Preston, superintendent.

Col. T. P. August, charged with the examination and determination of all applications for exemption, details for agricultural purposes, and the investigation of questions of a legal character.

Lieut. Col. G. W. Lay, charged with the duties of general inspection.

Maj. John Claiborne, charged with the duty of superintending the disbursement of the fund appropriated by Congress for the expenses of conscription, its proper distribution amongst the quartermasters of the conscript service, and the supervision of their accounts.

Capt. C. B. Duffield, the executive officer of the Bureau, intrusted with the management of its business, and charged with the special duty of issuing orders, preparing general instructions to the officers of conscription, and of communicating information to persons calling at the Bureau upon business of a general nature.

Lieut. Thomas Goldthwaite, charged with the examination and determination of all applications for details, except the agricultural, and with giving instructions to the officers of conscription pertaining thereto; with the disposition of all papers relating to persons ascertained by the boards to be unfit for duty in the field, but fit for any of the duties specified in the eighth section of the act of Congress approved February 17, 1864, and with action upon papers of a general character.

Lieut. J. A. Lynham, charged with the direct supervision and conduct of the records of the Bureau, performs the duties of a chief clerk, and with a part of the general papers, and is general assistant, &c.

Lieut. Thomas Pinckney, charged with the disposition of all papers relating to absentees without leave and deserters, and with reports from commandants, and a part of the papers of a general character.

Forwarded in the absence of the superintendent.

C. B. DUFFIELD,
Acting Superintendent.

STATE OF VIRGINIA, EXECUTIVE DEPARTMENT,
Richmond, August 29, 1864.

Honorable SECRETARY OF WAR:

SIR: I have carefully considered the case made by Major Boyle* in justification of his interference with our citizens *in transitu* to their homes and places of business with their purchases, made in this market or elsewhere, and I cannot see that it touches the grievance which I presented for your consideration. My complaint is that the citizens of Virginia, whose rights I am bound, as far as practicable, to protect, are not allowed to take with them to their homes and places of business such articles as they may purchase for their own use or for sale to their neighbors and customers, neither they nor such persons being within the enemy's lines, but all being within the jurisdiction of the State of Virginia.

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* See August 26, p. 605.

The regulations made by General Lee and under which Major Boyle shelters himself will receive, of course, your careful attention; but I will call your attention to them particularly. By reference to the second paragraph, certain articles are not "permitted to pass the lines of this army to the territories of the United States, or to any part of the Confederate States occupied by the enemy, without permission," &c. In the letter of General Lee to Major Boyle will be found this extract:

> It is desirable that the enemy should not be informed that the Government authorizes such a trade, as it would no doubt prevent it. If the carriers appear only as persons engaged in private ventures there will be less difficulties.

It is manifest without comment that these orders in no manner touch the trade to which I refer. The one, being ostensibly illegitimate but yet valuable to the Government, could of course only be carried on with the knowledge and permission thereof; but the other, being perfectly legitimate and altogether proper, is restrained by no law, and should be encouraged rather than restrained for the good of the citizen, so much and so seriously oppressed.

But Major Boyle says that "large quantities of cotton, tobacco, &c., are carried to the frontier for the purpose of being transported, when opportunity will permit, to the enemy's country." This may be true. It is, however, only an inference, and cannot affect the legitimate trade for which I contend. Violation of commercial regulations has prevailed in every country and age, and still it does not affect the rights of legitimate traffic. Those who violate laws must take the consequences when convicted; but surely those who are but in the exercise of their rights must not be denied them because of the rascality of others. Major Noland obviously has reference to his own regulations, the effect of which denies to the people of Northern Virginia the right to sell their goods except upon terms prescribed by him, when no such restrictions are imposed upon other sections of the State. But there is no difference between us about the law, as I understood you. Permits are necessary under the regulations referred to when the purpose is to go into the enemy's lines for supplies; but otherwise they are not necessary, and of course the citizens of Virginia within our limits are entitled to buy and sell at will.

The obstructions, then, of which I complain are not warranted by law nor by any regulation in pursuance thereof, and I respectfully ask that they may be removed. They exist in the action of your subordinates, and the only way that I know of is to instruct them accordingly. I respectfully ask your early attention to this subject, as it is daily called to my attention by citizens, who feel very keenly the annoyance and oppression of which they complain.

I have the honor to be, very respectfully, your obedient servant,

WM. SMITH.

[AUGUST 29, SEPTEMBER 5, SEPTEMBER 10, 1864.—For correspondence between Lee and Vance, in regard to State troops to aid in defense of Wilmington, N. C., see Series I, Vol. XLII, Part II, pp. 1206, 1235, 1242.]

[AUGUST 30, 1864.—For Seddon to Brown, calling for 10,000 or more of the militia of Georgia to repel invasion, and the ensuing corre-

spondence, dated September 12, 1864, October 8, 1864, November 14, 1864, December 13, 1864, and January 6, 1865, see Series I, Vol. LII, Part II, pp. 727, 736, 754, 778, 796, 803.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., August 30, 1864.

His Excellency WILLIAM SMITH,
Governor of Virginia:

SIR: I have received your letter commenting upon Major Boyle's report in reply to my call upon him for the authority under which he was acting in imposing restrictions upon citizens of Culpeper and Fauquier desiring to carry to their homes articles of merchandise for their own use. In reply I have the honor to say that there must be some regulation to prevent the demoralizing trade with the enemy, to which there are so many and strong temptations, and this must be applied before the passage of our military lines, since beyond them there can be no effective control. This General Lee's order seeks to do, and I really see no better mode of accomplishing it. At the same time it is desirable that the legitimate wants of our loyal citizens in counties beyond the military lines, and yet not in the actual occupancy of the enemy, should be supplied. I know no better mode of effecting this than that permits should be obtained either from the Department directly, or that Major Boyle be instructed to allow citizens, whose loyalty is vouched or known to him to be true, to take to their homes such articles as they need, on the assurance that they shall be used for legitimate purposes and not for trade with the enemy. If you desire it, such instructions will be given.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS GEORGIA RESERVES,
Macon, Ga., August 31, 1864.

[Col. WILLIAM M. BROWNE:]

COLONEL: I give you this memorandum in reference to the supporting force of the Conscript Bureau in response to your request.

The Conscript Bureau was authorized to raise for a supporting force one company in each Congressional district. In Georgia there are ten districts, and the companies are mostly cavalry and composed of non-conscripts; that is, men liable to service in the reserve. These companies are doing little or nothing, as their one business is to arrest deserters and skulkers, but could be made very efficient as a part of the reserve, and whenever required, details could be furnished enrolling officers. I have earnestly recommended that this should be turned over to me, with instructions that I should furnish details when called for. In my conversation this morning I gave you many details which you will bear in mind and hence I do not repeat them. We have too many independent organizations in the service. My opinion is that the number could be very much reduced with benefit to the service, and this would be a good beginning.

Very respectfully, yours, &c.,

HOWELL COBB,
Major-General

MURFREESBOROUGH, N. C., *August 31, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

DEAR SIR: So many complaints reach me of the mischievous and demoralizing effects of the traffic in cotton, initiated under the auspices of the Commissary Department, which is now carried on across and beyond the Chowan River, that I deem it a duty to call your attention to the subject. The operation of the system as explained to me is this: The Government delivers on the river bank cotton in equal parts for bacon brought to the same place. The arrangement is expected to bring supplies of bacon from the enemy in exchange for cotton transported to points at which he can get it. In truth, most of the bacon received comes from our own counties, and but an inconsiderable part from the North. These supplies would mostly find their way to the Confederate States as the only market for a surplus, and for Confederate money, if trading with the enemy was strictly prohibited and prevented. The present system, of course, presupposes and therefore licenses the transportation and sale of the cotton to the enemy, and the object seems to be attained if the equivalent in bacon is delivered to the commissary officer, without regard to the source from which derived. Most of the cotton, or at least much of it, purchases not meat for the Army, but goods of Northern production and manufacture, which are thus introduced into the country. Large numbers of persons are said to be actively employed in the counties east of the river availing themselves of the opportunities afforded for private gain and advantage, and putting in their own pockets the surplus made by a more favorable exchange with the sellers of the meat. But larger profits still are derived from the introduction into the Confederate States of the numerous Yankee fabrics which, because of prevailing scarcity, now command very high prices. But the spirit of speculation engendered and the opportunities offered for its successful indulgence form a less serious objection to the system than some other of its fruits. It tends to discredit our currency, to impair and weaken the attachment of our people to their own Government, to diminish and soften the resentment felt for acts of disloyalty and unfaithfulness to our cause, to demoralize public sentiment, and to corrupt those engaged in it. Men will naturally conclude that inasmuch as their own Government permits and licenses the traffic with the enemy, there can be no great wrong in friendly dealing and communications with him, and teachings, however elevated, will not be able to counteract the effects of this practice. This district has remained true and faithful under most adverse circumstances. Left beyond the protection of their own armies, as many of the counties have been, and exposed to hostile raids, unchecked and destructive, they adhere to our fortunes and look confidently forward to the day of their deliverance. Nearly all their valuable slaves are gone, but these losses have not abated their patriotism.

Surely such consequences as I have pointed out are not to be permitted for the small and precarious additions which are gathered to our means of subsistence. If the trade must be carried on it certainly can be put under the restraint of such regulations as will prevent the abuses to which it now gives rise. I bring the subject before you for your inquiry and with a view to the correction of the evils of the system.

I am, most respectfully, yours, &c.,

W. N. H. SMITH.

[First indorsement.]

BUREAU OF SUBSISTENCE,
Richmond, September 8, 1864.

Respectfully returned to Honorable Secretary of War.

This Bureau cannot agree with the Hon. Mr. Smith in his opinion as to the evil results flowing from the trade conducted on the Chowan by officers of this Bureau. On the contrary, the natural results in subsistence gotten for the Army have been most satisfactory, for it is not conceded that these supplies would otherwise have come into the Confederacy at all.

L. B. NORTHROP,
Commissary-General.

[Second indorsement.]

SEPTEMBER 13, 1864.

I cannot concur in thinking the evils stated by Hon. Mr. Smith as resulting to the extent imagined from the trade established, and its results have really been so satisfactory in affording supplies that I am not, without further developments and inquiries, prepared to prohibit it.

J. A. S.,
Secretary.

STATE OF VIRGINIA, EXECUTIVE DEPARTMENT,
Richmond, August 31, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to acknowledge the receipt of yours of yesterday. I would respectfully suggest, to save you as well as myself trouble, that Major Boyle be instructed to permit persons with supplies obviously (from the quantity) intended for their own use to pass without question; secondly, where the quantity is more considerable, such as purchases for half a dozen or more neighbors, as is frequently the case, that the parties be permitted to pass upon being properly and satisfactorily vouched for as loyal and reliable, and thirdly, where the articles are purchased for sale, avowedly to neighborhoods in which the parties may reside and be conducting business as merchants, that they shall be required to have your pass, to be obtained upon being vouched for to your satisfaction. It is thought to be very hard, indeed, that a gentleman coming from the country to this city should not be allowed to return home with such purchases as he or his neighbors may want, and it is thought very hard that the old and established merchants of the State should not be allowed to replenish their stocks when opportunity occurs. I hope it will be your pleasure to give Major Boyle the instructions suggested, and that you will adopt the rule above suggested for yourself. You will observe that I do not propose to pass our lines or to enter those of the enemy.

Very respectfully, your obedient servant,

WM. SMITH.

[Indorsement.]

SEPTEMBER 3, 1864.

ASSISTANT SECRETARY:

No objection is seen to these instructions, and they may be given.

J. A. S.,
Secretary.

EXECUTIVE DEPARTMENT OF NORTH CAROLINA,
Raleigh, September 1, 1864.

Hon. GEORGE DAVIS,
Attorney-General Confederate States:

DEAR SIR: Permit me to ask your attention to a matter that has bred some confusion and is likely to breed more. Until recently the Governor of North Carolina commissioned all officers of the line in the regiments from this State originally enlisted for the war and known as "State troops," in contradistinction to the "volunteers" or twelve-months' men. This was by virtue of an ordinance of the convention which gave the Governor also authority to commission all officers in both classes of troops. The authority of the President to commission any of the North Carolina troops was derived, I take it, from the first conscription act, which was held to operate only upon the twelve-months' men. Accordingly the Governor's claim to commission them was surrendered, and he continued to commission only the regiments originally "for three years or the war," with the consent and approbation of the Confederate Government. Latterly Adjutant-General Cooper has notified me that he will recognize no commission issued by this State whatsoever. Now, where does the President get the right to commission the troops from North Carolina not affected by either the first or the last acts of conscription? Many of our regiments were originally enlisted for the period of the war and could not possibly be so affected, and it seems to me the right remains with the Governor to commission them. Practically it is better they were all equally subjected to our laws, and I make no objection on that score. But I don't feel at liberty to surrender both a right and a duty committed to me by the State unless satisfied that the law has done it for me. Please let me hear from you.

Very respectfully, yours,

Z. B. VANCE.

RALEIGH, N. C., *September 1, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War Confederate States of America:

DEAR SIR: In view of the late enormous advance and still advancing rates of railroad fares and freights, I have thought that they were very proper subjects of consideration by the commissioners of appraisement, both in their conventions and in their periodic State meetings. At present there seems to have been no check or even opposition to the unbounded rapacity of these companies, which equally with the high price of wheat and corn, &c., threaten to destroy the value of our money by again flooding the country with an inflated currency, and thus upsetting the admirable plans of our wise and experienced Secretary of the Treasury, Mr. Trenholm, who undoubtedly, if aided by a reasonable support by the country, would soon reduce the recent chaos in our finances to order and value, if not to a perfect peace basis. I therefore propose at our meeting on the 30th instant to bring up this matter for consideration, and to subject the rates of fares and freights on railroads to the same scrutiny and action that the farmers and manufacturers have submitted to, and hope we shall be aided by the active support of your Department and that of the Navy and Government generally. To prove the extraordinary and excessive charges by the railroad companies of the Confederacy it is only necessary to

state that a rapid and constantly occurring advance of fares and freights have taken place (and to which there appears to be no check) till prices have advanced from the usual rates of 3 to 4 cents per mile up to 18, and even as high as, in the case of the new Piedmont Railroad (from Greensborough to Danville), 20 cents per mile is now charged, while the dividends of these companies are as high as from 30 to 60 per cent. per annum. In short, I see nothing in the whole range of prices and of speculation that more demands restraint and scrutiny than the rapaciousness and greed of the railroad companies of our country.

Hoping to have your views,

I am, with high respect, your obedient servant and friend,

H. K. BURGWYN.

SEPTEMBER 2.

I have just learned that the Raleigh and Gaston Railroad have again more than doubled their rates, viz, from $10 up to $22 fare, and that the Petersburg and Roanoke Railroad Company have raised theirs from $10 to $15.

[First indorsement.]

SEPTEMBER 7, 1864.

To Quartermaster-General for consideration and remarks. Is there justice in these strictures; and what think you of the proposed action for relief?

J. A. S.,
Secretary.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
September 10, 1864.

Respectfully referred to Lieutenant-Colonel Sims.

By order of Quartermaster-General:

W. F. ALEXANDER,
Major and Assistant to the Quartermaster-General.

[Third indorsement.]

RICHMOND, *September 13, 1864.*

Respectfully returned to Quartermaster-General.

The rates alluded to within are charged to individuals. Government is charged for troops from 5 to 7½ cents per mile, or about twice "peace prices," and on freights in about the same ratio. These rates are not excessive, but on the contrary extremely liberal. The roads find their profit in caring for individuals, and if the private rates are cut down by act of Government it is inevitable that Government rates must be advanced. Speculators, &c., are thus indirectly aiding in keeping down the price of one of the heaviest items of Government expense. Transportation by rail is beyond all question rendered to Government at lower rates than anything else in the Confederacy. It is true it is done at the expense of the people, and in that view it might be well to intrust the regulation of railroad charges to the commissioners, but it should not be lost sight of that the Government may be made to suffer by the operation.

F. W. SIMS,
Lieutenant-Colonel, &c.

[Fourth indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
September 15, 1864.

Respectfully returned to the Honorable Secretary of War, whose attention is invited to the views of Lieutenant-Colonel Sims. It is believed that the action of the commissioners could fix rates only for Government transportation.

A. R. LAWTON,
Quartermaster-General.

SPECIAL ORDERS, No. 208. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, September 2, 1864.

* * * * * * *

III. The Second and Sixth Battalions Local Defense Troops, Richmond, Va., will constitute the Second Regiment Local Defense Troops. Maj. John W. Carter, of the Second Battalion Local Defense Troops, is assigned as major of the Second Regiment Local Defense Troops.

IV. The organization known as the First Regiment Virginia Artillery will be known hereafter as the First Battalion Virginia Light Artillery, to the command of which Lieut. Col. E. F. Moseley is hereby assigned.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[SEPTEMBER 2, 1864.—For Seddon to Watts, making requisition for all the militia of Alabama for defense against invasion of the State, see Series I, Vol. XXXIX, Part II, p. 812.]

[SEPTEMBER 2, 1864.—For Lee to Davis, in relation to measures for increasing the strength of the armies, see Series I, Vol. XLII, Part II, p. 1228.]

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., September 5, 1864.

General B. BRAGG,
Commanding, &c.:

GENERAL: Your communication of the 30th ultimo, asking an additional list of the officers employed in the office of the Bureau in this city, with a statement of the particular duty which each is performing, and all inspection reports received since the 1st of May, ultimo, was received at the Bureau during my absence.

I am informed that the list of officers, with a statement of the particular duties to which each is assigned, has been sent to you as asked.

I have the honor to state in reply that the materials do not exist for furnishing you copies of inspection reports since May 1, 1864.

This Bureau has no file of inspection reports, the results of such inspections as are made being either reported not beyond the commandants of conscripts for the several States or being embodied, without formality, in the mass of current correspondence and indorsements, and are thus scattered through the body of miscellaneous office records, without any attempt at separate classification.

It was intended, if possible, to have a small corps of inspectors reporting to the Bureau through Lieutenant-Colonel Lay, its chief inspector, whose ordinary station is at this office, but the plan has been heretofore impracticable of execution, because there was no feasible mode of obtaining the appointment of the necessary suitable officers, or of securing, by assignment from the Army, officers with the requisite qualifications. The supply of officers for the conscript service is under existing regulations exclusively from the disabled list, and is altogether insufficient to furnish the Bureau with enrolling officers suitable for the ordinary duties to be performed by them.

It has been, therefore, impracticable to obtain from this source as many suitable officers for the duties of inspection as were required. The few who could be made available for such duty have been ordered to report habitually to the commandants of conscripts for States, these latter being select officers, having the full confidence of the Bureau, and under whose immediate orders the inspecting officers can be made useful for the instruction of subordinates imperfectly acquainted with their duties.

These commandants are themselves, in substance, *ex officio* inspectors, reporting results in the form of daily general or special correspondence. Arrangements have everywhere been made to relieve them from the immediate executive commands of camps, so that their time is free in part for travel in their respective States.

In arranging its department of inspection the Bureau looked upon it as a mere affair of internal policy and exclusive to itself, and did not consider the nomenclature adopted as binding it to any rules of form or precedent. There was at first but one "inspector of conscription" acting at the headquarters of the Bureau in Richmond, unless specially detached. When not so detached, his duties are the examination upon reference of all questions, in any way suggested, respecting the practical working of the service, and of all mooted issues in regard to or presented by its individual officers.

In presenting the results of his examinations no form has been observed, unless occasionally where a somewhat elaborate presentation of the subject was appropriate. The convenience of office working and record has best been consulted by his reporting, orally or informally, in unsigned written memoranda, or in the shape of instructions or indorsements, prepared to issue, if adopted, over the signature of the chief, or other executive officer of the Bureau. The results of his work are, therefore, distributed through the records in such a way that they cannot be disentangled.

When the system of appointing subordinate inspectors was instituted, the arrangement was informally adopted in the Bureau of distinguishing its chief inspector, for reasons of obvious convenience, by the designation of inspector-general of conscription.

The inspecting officers, commandants, and others were made aware that they would address themselves or be referred to that officer for information in case of doubt or difficulty as to the construction of

orders or the general views of the Bureau, and the work of the office proper is thus lightened.

This inspector has made some long journeys in the several States, and aided the service by communicating instructions to its officers and assisting in the changes of organization called for by its wants. He has not been detached since May 1, 1864, owing to various circumstances, especially the pressure of office work during the recent absence of the superintendent.

A number of special inspections have been made at the request of the Bureau by officers representing the War Department and sending their reports to it.

In apportioning amongst the officers of the Bureau the work to be performed, it was considered necessary to the proper organization of this office, and believed to be in aid of the speedy dispatch of business, to establish a department of inspection.

To the officer assigned to this department were habitually referred all questions of the character hereinbefore indicated. The complication of the conscript service, growing out of the special legislation of Congress and its close connection with all the various branches of the general service, originated many important questions affecting the practical operation of the enrolling department, which were referred to the Bureau for solution. These questions were of such frequent reference by the officers of conscription as to suggest the assignment in the Bureau of an officer familiar with the working of the system to the duty of giving it constant supervision, that imperfections might be amended, irregularities checked, and such improvements introduced as the necessities of the service called for.

These duties have always been performed by Lieutenant-Colonel Lay except when it was necessary to charge him with some special inspection or other cognate duties, requiring him to make journeys in any of the States.

His absence for some weeks of service in the field during the past summer was permitted, because at that time every officer and private who could be spared from the offices in Richmond were supposed to be necessary to its immediate defense.

I am, general, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[First indorsement.]

HEADQUARTERS ARMIES OF CONFEDERATE STATES,
September 12, 1864.

Respectfully referred to His Excellency the President.

BRAXTON BRAGG,
General.

[Second indorsement.]

SEPTEMBER 12, 1864.

Returned to General Bragg.

The explanation, if understood, applies to a state of case in which a body of officers would be assigned to duty as inspectors for the Conscript Bureau. This is not practicable, if it be desirable. The post of inspector-general for a bureau is not provided for.

The list of officers which was submitted to show the employment of certain officers in the Conscript Bureau at Richmond presents cases not within the laws and rules governing in such cases and will be presented to the Adjutant-General for the proper action.

JEFFERSON DAVIS.

[Third indorsement.]

HEADQUARTERS ARMIES OF CONFEDERATE STATES,
September 19, 1864.

Respectfully referred to Adjutant and Inspector General.

See remarks of the President. The list of officers referred to was sent by the President to the War Department and has not been again received at this office.*

BRAXTON BRAGG,
General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 5, 1864.

Hon. B. H. HILL:

DEAR SIR: Owing to the withdrawal of so many men from Southwestern Georgia, hitherto the Egypt whence our supplies of subsistence for man and beast have been most largely drawn, and a growing disinclination to sell to the Government at schedule rates for our currency, very serious embarrassments are retarding the collection and delivery of supplies in that quarter at the depots and on the railroads. Extraordinary efforts are now specially necessary to maintain even scant supplies for the armies of both Generals Lee and Hood. Your well-known influence and high position induce me, therefore, to request that, if you can make it at all compatible with your convenience and engagements, you would visit that portion of the State, and by converse and addresses impress on the people the absolute necessity of furnishing and pressing forward the supplies in their possession. When men are wanting on the plantations to make deliveries surely there, as has been so often done in Virginia, the patriotic women (wives and daughters of planters at home) will undertake the duty of expediting deliveries, taking receipts and ordering teams, &c., to transport. Our great difficulty now, I am informed, is that, as might naturally have been expected, the plantations near the lines of road having been exhausted, it is now necessary supplies should be hauled for longer distances. This is fortunately the season of the year when teams can be best spared, and I am sanguine, if the people could be duly impressed with the indispensable necessity of forwarding, the requisite transportation to the railroads could be furnished. Railroad transportation, I am pleased to say, can be commanded, and surely the people will not allow their armies to be dispersed and their homes overrun and spoiled rather than deliver of their means and use their unemployed teams. You can, I am sure, rouse them to a sense of their danger and their duty.

Most truly, yours,

JAMES A. SEDDON,
Secretary of War.

(Same to Hon. H. V. Johnson, Milledgeville, Ga.)

SPECIAL ORDERS, No. 210. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, September 5, 1864.

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XXIV. The Fourteenth Alabama Battalion Partisan Rangers, Lieut. Col. James C. Malone, jr., and the Nineteenth Alabama

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* For list referred to see p. 610.

Battalion Cavalry, Lieut. Col. Z. Thomason, are hereby consolidated, and will constitute the Ninth Regiment Alabama Cavalry.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CIRCULAR.] SUBSISTENCE BUREAU,
September 5, 1864.

When enacting laws for impressment Congress could not have expected impressing officers as a class to be competent to settle the meaning of the words "value or just compensation," since jurists and political economists have been unable to determine on a definition or principle of ascertaining the just value of an article. Under these circumstances Congress enacted that commissioners, jointly chosen by the Confederate and State Executives, should at intervals fix the value of commodities, as the best mode of settling what was just compensation and thus fulfilling the constitutional requirement in cases of impressment.

The schedules fixed by these boards for the respective States monthly were objected to by certain parties, and the objection sustained, on the ground that value at the time of an impressment could not be determined by rates fixed anteriorly; consequently, in any case of impressment, whether of property in the hands of speculators or producers, the appraisement by neighbors selected by both parties is required; and either party, if not satisfied with the award, can appeal to the joint commissioners. In cases where one-half of the meat which a party had secured for the subsistence of those dependent on him was impressed, in accordance with the law promulgated in General Orders, No. 39, the necessity of promptly supplying him with an equivalent settled the principle that just compensation required the local cost of the article, and such appraisement by neighbors mutually selected, was made final without appeal.

Whenever the local appraisement of a man's surplus exceeds the price fixed by the last schedule of the commissioners in the State by an amount more than to be understood by any superiority of the special articles to the ordinary standard, and no extraordinary changes in the condition of the country have occurred since the last schedule was fixed, then the impressing officer is advised to appeal from the local appraisement to the commissioners as the legally appointed tribunal to settle value, and as in the order of reason the most competent, they having been constantly studying the circumstances which might modify conclusions on this mooted question.

When a party refuses to give information to an impressing agent who exhibits his credentials, the officer shall apply to the officer in charge of the nearest reserve organization, who will be required to enable him to examine into the stock of supplies in the possession of the party refusing information.

When notice of impressment has been given, and the business is only awaiting settlement, if the holder instead of retaining it for the Government refuses to deliver it, or disposes of it otherwise, then the same reserve force shall be invoked and the impressed property seized, or an equal quantity taken from the party, on the ground that he has not alienated what was the Government's, but what he considered his own.

Officers will proceed to impress all the surplus available as rapidly as they can.

Bonded agriculturists are as much in the service as they would have been if not conditionally exempted.

Whenever one of these is found bartering any of his surplus, or selling any to others than the Government or families of officers and soldiers, or at rates other than those prescribed, or is not strictly devoting his whole attention to the production of supplies, evidence of the fact must be at once furnished to the appropriate enrolling officer, and the name of the party and the enrolling officer sent to the Bureau of Conscription. The district attorney shall be furnished with the information preliminary to a prosecution of the offender on his bond.

Officers will also ascertain from the bonded farmers with whom they deal the amount of meat they have contracted to deliver, and how much surplus subsistence they have, and see that one-half goes to the Government.

The Secretary of War will direct that the orders to the enrolling officers and commandants of reserves be given; also that directions to the district attorneys be sent to prosecute promptly all who have not fulfilled the terms of their bonds.

If any man liable to military service who has not been detailed or exempted from such service for any purpose whatever is found engaged in speculation in articles of army subsistence, or engaged in any other business prejudicial to the interests of the Government, it is your duty as one of its officers promptly to report him.

L. B. NORTHROP.

GENERAL ORDERS, No. 71. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., September 6, 1864.*

I. Leaves of absence may be granted by commandants of conscripts to medical officers on conscript duty and employed surgeons, members of examining boards for conscripts, for a period of seven days. If longer leave is desired the application must be referred to the Surgeon-General. If approved by him, leave may be granted by commandants.

II. Paragraph I, General Orders, No. 69, current series, is thus amended:

Purchases of corn, oats, and forage from detailed persons will be made by officers of the Quartermaster's Department, and their powers in respect to such purchases will be the same as those given to the Commissary Department.

III. General Orders, No. 75, 1863, is hereby repealed. The extra pay of men detailed for duty in the several departments in the field will hereafter be regulated according to paragraph 882, Army Regulations.

IV. Physicians employed by contract, whose whole time is given to the public service, will receive the pay and allowances of assistant surgeons.

V. Paragraph V, General Orders, No. 59, current series, is so amended as to authorize generals commanding reserve forces in the respective States to give orders that will carry transportation.

VI. Officers holding appointments in the general staff as assistant adjutants and inspectors general, quartermasters and assistant quartermasters, commissaries and assistant commissaries, surgeons and assistant surgeons, will report by letter to this office with the least

delay practicable, setting forth their rank, corps, position, and present assignment to duty, and by what authority assigned; and changes which may hereafter take place in their assignments will in like manner be immediately reported by them to this office. A non-compliance with this order will subject the officer concerned to a discharge from the service.

VII. Paragraphs III and V, General Orders, No. 34, current series, are thus amended:

If the Board find the soldier fit for duty in any department of the service it will not retire him immediately, but will forward their certificate of disability and the form of retirement, signed by the Board, through the Headquarters of the Army to this office for its approval. If the soldier be absent from his command the certificate and form may be forwarded directly to the Adjutant and Inspector General.

VIII. Commanders of departments and armies are prohibited from granting leaves of absence to officers who report directly to the bureaus to which they respectively belong.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 6, 1864.

Maj. CORNELIUS BOYLE,
Gordonsville, Va.:

SIR: I beg leave to invite your attention to the inclosed copy of a letter* from Governor Smith, containing suggestions relative to the transportation of supplies for individuals, neighborhoods, and merchants of the State, and to inform you that these suggestions are concurred in and adopted by the Department.

By order of Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, September 7, 1864.

His Excellency President DAVIS,
Richmond:

MR. PRESIDENT: I send you a copy of my last inspection report of the conscript service in Georgia.† These reports have all been sent to the War Department as received. Though quite defective and especially wanting in details by which errors could be corrected, they develop a startling state of our affairs in our conscript service. The want of results, too, of which General Lee complained to you is calculated to confirm this conclusion. From Alabama and Mississippi the accounts, as far as received, are equally unsatisfactory. Stern, rigid administration can correct the evil; nothing else will. A complete renovation of the Bureau and its ramifications will be indis-

*See August 31, p. 615. †Not found.

pensable. These were my impressions when I commanded an army. They are General Lee's now, and the reports confirm our conclusions.

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG,
General.

[Indorsement.]

SEPTEMBER 12, 1864.

General Preston for perusal and remarks with a view to remedy.

J. D.

SPECIAL ORDERS, No. 212. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, September 7, 1864.*

* * * * * * *

XXXI. The chief of the Signal Corps will at once report to the Bureau of Conscription the names of all the employés of the Signal Corps who are not members of any existing organization, that they may be enrolled and detailed for the performance of the duties upon which they are now engaged.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[SEPTEMBER 7, 1864.—For Milton to Davis, in relation to raising troops for the defense of Florida, and inclosing address to the people of the State (July 30, 1864), and General Orders, Nos. 11 and 14 (July 30 and Sept. 2, 1864), see Series I, Vol. LIII, p. 370.]

DEPARTMENT OF STATE,
Richmond, September 8, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: Proposals have recently been made to the President and accepted by him for the emigration to our country of large numbers of Polish exiles, as well as for some hundreds of Scotchmen who are disposed to take part in our struggle.

I have accordingly sent instructions to Europe under which a passage to our country via Matamoras will be afforded to all able-bodied men who desire to emigrate to the Confederacy, and further instructions have been sent to Mr. Richard Fitzpatrick, our commercial agent at Matamoras, to forward them to Texas and probably to Brownsville.

The instructions are that all such as may choose to volunteer in our service will have an acquittance for the passage money; all others will be compelled to pay the price of the passage, and will then be in the condition of other residents of the Confederacy, and subject to its laws, which require all residents to aid in the defense of the country.

Promise has been given that those Poles who volunteer will be allowed to organize themselves into companies, battalions, and regiments, and elect their officers in the first instance, and that they will, if possible, be kept in one corps, and organized into Polish brigades and divisions, if their numbers are sufficient.

My purpose in now addressing you is to request that you will give such information and issue such orders to the military authorities in the Trans-Mississippi District as will secure a proper reception of these emigrants when forwarded from Matamoras by Mr. Fitzpatrick, as well as a faithful observance of the promises held out to them.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

[First indorsement.]

SEPTEMBER 10, 1864.

ADJUTANT-GENERAL:

Let a copy of this letter be sent to General E. K. Smith, with instructions to conform his actions to the arrangements communicated. Ask acknowledgment, and till received continue to send duplicates by your couriers.

J. A. S.,
Secretary.

[Second indorsement.]

File. Copy sent General Kirby Smith September 15, 1864.

J. W. R[IELY],
Assistant Adjutant-General.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Richmond, September 8, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I beg to hand you copy of the statement which I had the pleasure to lay before you some days since showing the amount of funds appropriated by Congress for the support of the Army for the half year ending June 30, 1864, and also the amounts appropriated for each bureau under the War Department, with the relative proportion which each bureau will be entitled to draw from Treasury according to the ratio of appropriations, assuming the issue to be $50,000,000 monthly. To this statement I have attached a list showing the amount asked for by this department, and statement by dates and amounts of the sums placed to the credit of the officers and agents, and which upon examination I regret to say will exhibit a very large and alarming deficiency in the sum supplied, the effect of which if continued will paralyze its efficiency. This statement is submitted, therefore, in the hope that you will at once adopt measures to insure in future the issue of funds adequate to the wants of the department and in ratio with the appropriation as made by Congress.

Amounts appropriated by Congress to meet the expenditures of the various bureaus of the War Department for six months, from January 1 to June 30, 1864, viz:

Quartermaster-General's Department		$320,028,745
Subsistence Department	$57,988,000	
Ordnance Department	23,000,000	
Medical Department	15,420,000	
Engineer Department	10,000,000	
Niter and Mining Bureau	9,500,000	
		115,908,000
Total War Department		435,936,745

On the 17th of February, 1864, when the above appropriation became available, the following balances were on the books of the Treasury to the credit of the departments, being balance of appropriations for half year ending 31st of December, 1863, viz:

Quartermaster-General's Department	$384,300.66
Subsistence Department	65,033,739.38
Ordnance Department	29,245.14
Medical Department	14,500.25
Engineer Department	19,454.10
Niter and Mining Bureau	1,599,842.32
Total	67,081,081.85

If these balances be added to the appropriations first named then there will be subject to the draft, viz:

Quartermaster-General's Department		$320,413,045.66
Subsistence Department	$123,021,739.31	
Ordnance Department	23,029,248.14	
Medical Department	15,434,500.25	
Engineer Department	10,019,434.10	
Niter and Mining Bureau	11,099,842.32	
		182,604,784.12
Appropriations, including balances		503,017,829.78

The last two statements are not essential to my purpose, which is to show the Secretary the proportion of remittances monthly to which each bureau is entitled, taking the appropriations made by Congress as the guide and the amounts to be issued monthly by the Treasury as the sum to be desired. Under this view the departments will be entitled to receive monthly, as follows:

Quartermaster-General's Department	$36,705,869.51
Subsistence Department	6,650,964.92
Ordnance Department	2,637,997.40
Medical Department	1,768,605.21
Engineer Department	1,146,955.39
Niter and Mining Bureau	1,089,607.62
Total	50,000,000.05

The above being the largest sum the Secretary of the Treasury authorized to be paid monthly as per his letter of the 4th of April, 1864.

In conformity with the above instructions the Quartermaster-General submitted requisitions for the following amounts, viz:

April	$28,045,744.19
May	32,378,000.00
June	7,192,681.00
July	41,972,562.30
August	21,033,113.45
Total	130,622,478.94

Of this sum there has been signed by the Secretary of the Treasury, viz:

April	$10,730,500.00
May	8,062,244.19
June	28,041,000.00
July	20,615,059.00
August	26,186,543.80
Total	93,635,346.99

Leaving unsigned in Treasury Department $36,987,131.95.

Restricting the issue of funds by the Treasury to $50,000,000 per month, then, according to the ratio of appropriation, say $36,705,869.52, the Quartermaster-General was entitled to receive from 1st of April, 1863, $183,529,347.55 to 31st of August, inclusive.

Deduct amount actually asked for same period	$132,622,478.94
Drawn for less than entitled to by	52,906,868.61
Again the Quartermaster-General was entitled to draw for same period	183,529,347.55
Now deduct the amount actually signed by the Secretary of the Treasury for same time	93,635,346.99
Leaving him entitled to draw	89,894,000.56

It will be seen by the foregoing figures that this Bureau has not received anything like the proportion allotted to it by Congress, and the want of the funds due it is fast bringing this branch of the Government into discredit. The embarrassment is daily growing more serious.

I am, sir, very respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, September 8, 1864.

General S. COOPER,
Adjt. and Insp. Gen. C. S. Army, Richmond, Va.:

GENERAL: In reply to circular of July 1, 1864, from your office, I have the honor respectfully to report that the law and orders have been entirely complied with by this Bureau. On the day of the publication of General Orders, No. 26, promulgating the act of Congress approved February 17, 1864, entitled "An act to organize forces to serve during the war," the circular of which a copy is herewith inclosed was issued from this Bureau with the approval of the Honorable Secretary of War. It was not expected that many men would be sent back to the Army, for the enrolling officers throughout the country had been for months before active in this matter, and in consequence of instructions from this Bureau its officers had already returned all who could be given up without detriment to the public service. On the 27th of June a circular was sent to the chief commissaries of the States directing them to send in at once lists of the men returned to the Army since April 10. After the receipt of your circular of July 1 this order was repeated by telegraph. These reports, in consequence of difficulties of communication, have been received but lately. The number of men returned to the Army in the States on this side of the Mississippi River is 293. The rolls of them are on file in this Bureau and will be forwarded to you if desired. I deem it proper to add that since the issue of the instructions of the Secretary of War requiring the certificate of the chief of bureau as to the necessity for the detail of any conscript, the certificate has in all cases been furnished; and since blanks have been furnished by the Bureau of Conscription, the descriptive lists required have been filled up so far as possible. It is, however, respectfully submitted that these descriptive lists could be more easily and accurately filled up by the local enrolling officer at the time of delivering the details. On inquiry at the Bureau of Conscription no information could be

obtained as to the number of men who had been relieved from duty with staff officers at posts and turned over to the enrolling officers, nor did it appear that there existed any means of securing such information. In consideration of this fact it is respectfully asked on what ground the statement was made that this military bureau had not complied with the requirements of the law. It is not improper to add, as showing the entire compliance of the Commissary-General with the spirit as well as the letter of the law, that immediately after the enactment of the conscription law all able-bodied clerks in his own office were discharged and their places supplied with disabled soldiers and conscripts. I respectfully request that this report may be forwarded to His Excellency the President, by whose direction the circular was issued.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General.

[Inclosure.]

BUREAU OF SUBSISTENCE,
Richmond, March 1, 1864.

MAJOR: In respect to the apprehended inconvenience and disorder consequent on the effects of the law relating to the character of the employés hereafter to be allowed in our department, I have to say that it is not to be expected that an officer is going to violate that law, which is to be enforced with such a penalty, but that he will to the utmost of his ability endeavor to comply with it; and that when it is impossible to substitute fitting men, and that the alternative is to destroy the success of his operations and the working of his machinery, then on such timely representation by him it will be incumbent on the Executive, through his deputy, the Secretary of War, to extend the period beyond the 10th of April (the limit now fixed) to a more remote period, and to allow the retention of indispensable men. The Executive or Secretary will thus show that all efforts have been made by him and his subordinates to observe the law to the utmost extent that is possible consistent with his paramount duty, which is to furnish munitions of war and defend the country and keep the Army in the field. It is no time to give up and say that ruin will follow on the removal of our trained men. Let us all do our best to comply with the law, and call on the War Department to do its part as the cases are presented. Instructions for your action conformable to the above have been given to sustain you. I deem it proper to state what we have a right to expect.

L. B. NORTHROP,
Commissary-General.

Approved.

J. A. SEDDON,
Secretary of War.

CIRCULAR No. 30.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., September 9, 1864.

Commandants of conscripts will instruct county enrolling officers to proceed diligently, with the aid of the temporary boards, to make a complete registration of every white male resident in their respective

counties between the ages of seventeen and fifty years not actually serving in the Army in the field or with the reserves.

The name, age, occupation, physical condition of the persons registered, together with the ground of exemption or detail, or other reason for not being in active military service, will be stated in these registers. Special care will be taken in stating distinctly, though briefly, the causes which prevent the persons from being sent to the Army, and not to omit any person from the registration not serving in the Army in the field or with the reserves. These registers must be forwarded to the Bureau before the 15th of October next. To accomplish the work in due time enrolling officers and temporary boards are enjoined to use the utmost vigor and diligence. The information to be thus furnished is regarded as of great importance, and the service must be accurately as well as promptly performed.

Another and separate register will be at the same time prepared and forwarded of all youths in each county who will attain the age of seventeen years during the next twelve months. In this last-named register will be stated the months when these youths will attain the age designated.

By command of Brig. Gen. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, September 9, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In obedience to your order of reference on the inclosed paper,* I have the honor to report:

First. The first item of General Bragg's indorsement is as follows:

> An able-bodied colonel has for two years done office duty, whilst his regiment has been on hard field service in the Army of Virginia. The duty could be as well performed by a disabled officer, of whom we have so many. In that event this colonel might see a little field service yet before the war is over and learn something of the rules of discipline and respect for his superiors, of which he appears to be much in need from the inclosed copy of a letter recently addressed to this office.

Col. T. P. August, Fifteenth Virginia Regiment, was wounded at the battle of Malvern Hill, July 1, 1862. Before he had reported for duty after that wound he became the subject of a pre-existing disease, which was exacerbated by active service, and which incapacitated him for service in the field. He was assigned in January, 1863, as commandant of conscripts for the State of North Carolina. He has been in the conscription service since that date, never having been at any time capable of field duty. His present condition is indicated by the accompanying surgeon's certificate. It has been his condition within my personal knowledge since November, 1863, the date of his assignment to duty in the Bureau at Richmond. I have regarded him as extremely liable to die at any moment from the effects of the disease which caused his assignment. He is not physically competent to one hour's service at the head of his regiment, and never will be.

Colonel August is a lawyer of eminent ability and of high repute in the State of Virginia. He is an officer of distinguished gallantry,

*See Lay to Bragg August 29, p. 609.

shot down at the head of his regiment, leading them in an assault on the breastworks at Malvern Hill. The comment on the letter of Colonel August is not deemed a proper subject for remarks by a subordinate officer.

In the duties with which he has been charged in this Bureau he has exhibited a zeal, earnestness, and intelligence which have been of eminent advantage to its operations. With his skill, acquired by two years' experience, his great industry, and intelligence, I am confident at this period of our struggle his place could not be fully supplied in the department to which he is allotted—that of acting upon applications for agricultural exemptions and details and investigating and reporting on the law and evidence of the thousands of cases submitted to the Bureau.

Second. The second item is:

> The officer charged with the duty of general inspection does not seem to devote much time to it. He has been in this city since March, except when absent as a volunteer on General Beauregard's staff for a short time. I have called for the reports of his inspections, but received none.

The officer charged with the duty of general inspection is Lieutenant-Colonel Lay, and he has devoted his whole time to that duty, except when, with commendable patriotism, he asked permission to go to the army for a time as a volunteer aide to General Beauregard. It was at the time when every employé of the Government in Richmond who could be spared was called to aid in its defense. His duties as general inspector demand his presence at the Bureau continuously, except when sent on special inspection. The inspection department of the Bureau is not more distinct in its functions than that of any other department. It is the assignment of an officer to the charge of such matters as seem pertinent to inspection service. He makes no formal reports, but is in daily conference with the superintendent, his work forming portions of the current business of the Bureau. Besides this, this officer participates in much of the general business of the Bureau.

Third. The third item is:

> The duties assigned Lieutenant Goldthwaite seem to be too important to be intrusted to so young a man without experience, and could better be performed by some older and good soldier disabled by wounds.

The duties assigned to Lieutenant Goldthwaite are of the gravest importance, and I am confident there is not an officer in the service more competent to perform them. He is twenty-four years of age, thoroughly educated, by profession a lawyer, and a man of very remarkable intellectual endowments. His earnest zeal, his untiring industry, his high and lucid intellect, fit him most admirably for the duties of examining into and deciding the important and intricate matter of general details of which he has charge. They are not matters of military law or usage, but of personal right and public necessity. His function is to examine and report for the action of the superintendent, under the instructions of the Secretary of War.

Fourth. The general allegation of the indorsement is that the organization is "defective and inefficient."

It is not properly within my province to attempt a refutation of this allegation. The organization was instituted by the Secretary of War in December, 1862, for the purpose of executing functions devolved on him by law. It has been continued since as a part of the War Office, under the immediate supervision of the Secretary, with a few unsubstantial and merely nominal changes.

I have recommended certain radical changes in the suggestion that some of the officers should be selected and commissioned for this duty, and nominal changes in the adjustment of the rank and gradation of the officers attached to the Bureau. These suggestions and others were submitted to Congress in the forms of bills for the organization of the conscription department and were not adopted, but the organization left as the Secretary of War had established it.

If there is inefficiency in the organization it arises solely from the defects I have alluded to, and not from the principle on which it is based. That principle is simply that the recruiting of the armies should be placed under organizations separate and distinct from the command of the armies in the field. Every departure from this principle has proved detrimental to the service, and has seriously and disastrously impeded the execution of the conscription laws and the maintenance of the conscription policy of the Government. The acts of Congress of April and October, 1862, and February, 1864, do not mean merely the gathering and enlistment of men, but they mean the selection from certain classes of citizens of those who, in the judgment of the law and Executive, can be spared from the necessary industrial pursuits to go into the armies. And it is to make this selection by close and enlightened investigation into the whole condition of the country, in view of the public necessity, that the Secretary of War, with consummate skill, organized a system of partly military and partly civil tribunals. It is regular, orderly, and in perfect consonance with the sentiment of our people and the genius of our institutions, and has a peculiar adaptation to the existing public exigency.

This Bureau is but one tribunal in the ascending scale which reaches through it and the Secretary of War up to the President. The legally defined relations of the citizens to the military service and the development and maintenance of the resources of the country are submitted to these tribunals. In my judgment the system has done more to fill the armies and at the same time to maintain the resources of the country than any other which can be devised. If adhered to, the slight defects in the organization of this Bureau are easily remedied by the changes I have ventured to suggest. If the recruiting of the armies is placed under the control of the States or of military commanders it will fail, and the effort will be disastrous to the whole conscription policy of the Government.

It is alleged that the existing defects and inefficiency of this Bureau "explain, to a great extent, the invariable reports of inspectors that the duty of putting men in the Army is retarded by the want of prompt action on applications and appeals." If it is meant by these reports that there is want of prompt action in this Bureau on applications and appeals the reports are simply untrue. I make the assertion, without qualification, that there is no department of the Government in which applications and appeals are discharged with the promptness and dispatch that they are in this Bureau. I doubt if these inspectors can cite a case in which the lack of such prompt action by this Bureau as is warranted by the circumstances has retarded the duty of putting men in the Army. The assertion is based on uninformed conjecture. Officers who are totally ignorant of the grave and solemn duties devolved on the conscription authorities—duties embracing the entire sphere of the civil, social, and military economy of the citizen and the Government; ascertaining, developing, and maintaining the military capabilities of the country

for the defense of the public liberty and preservation of social order; investigating and deciding personal and civil rights—are sent to inspect and report upon the organization for and the administration of these duties. It does not seem reasonable to predicate competency for this service of uninformed officers temporarily assigned to it. In the present case they have certainly failed to report correctly.

It is cited, in further proof of the defective and inefficient organization of this Bureau, that there have been three acting superintendents of this Bureau within a few days. The superintendent was absent by leave of the Secretary of War—his first leave since August, 1861. Colonel August, the acting superintendent, was ill in bed of the disease which causes his assignment to office duty. Lieut. Col. Lay, the officer next in rank, was accidentally absent two or three days with his sick family, and the papers thus happened to be signed by the executive officer of the Bureau, Captain Duffield. I cannot think the inference fairly deducible from this purely accidental, temporary, and very unusual condition of the office.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Inclosure.]

OFFICE MED. EX. BOARD, "PRIVATE QUARTERS,"
Richmond, September 8, 1864.

We certify that we have carefully examined Col. T. P. August, Fifteenth Virginia Infantry, Corse's brigade, and find him suffering with organic stricture of the urethra, with very great enlargement of the prostate gland and consequent irritation of bladder and kidneys, which have probably existed for four or five years, and within the last twelve months all attempts to introduce an instrument into the bladder have failed. In consequence of these affections we believe him totally and permanently disabled for field service and only capable of light duty.

O. A. CRENSHAW,
Surgeon, Provisional Army, C. S.
JAMES BOLTON,
Surgeon, Provisional Army, C. S.
WM. S. SCOTT,
Surgeon, Provisional Army, C. S.

Camp guards, supporting force, &c., in conscript service in the several States.

	Officers.	Non-commissioned officers.	Privates.	Total.
VIRGINIA.				
Camp guard	4	17	186	207
Disabled soldiers assigned under paragraph V, General Orders, No. 96, 1862.	.....	12	64	76
Conscripts assigned under section 8, act of Congress approved February 17, 1864, unfit for field service.	.....	.....	1,003	1,003
Conscripts (able-bodied), 18 and 45	.....	.....	17	17
Conscripts (reserves)	.....	.....	131	131
Total	4	29	1,401	1,434

Camp guards, supporting force, &c.—Continued.

	Officers.	Non-commissioned officers.	Privates.	Total.
NORTH CAROLINA.				
Camp guard			65	65
Two companies organized under section 3, paragraph XIX, Bureau of Conscription, Circular No. 8 (composed of reserves and men unfit for field service).	8	16	178	202
Disabled soldiers assigned under paragraph V, General Orders, No. 96, 1862.			8	8
Total	8	16	251	275
SOUTH CAROLINA.				
Camp guard			72	72
Disabled soldiers assigned under paragraph V, General Orders, No. 96, 1862.	4	21	106	131
Conscripts assigned under section 8, unfit for field service			38	38
Total	4	21	216	241
GEORGIA.				
Camp guard		12	110	122
Six companies organized under section 3, paragraph XIX, Circular No. 8, Bureau of Conscription (composed of reserves and men unfit for field service).	24	50	394	468
Disabled soldiers, paragraph V, General Orders, No. 96, 1862	2	4	16	22
Total	26	66	520	612
ALABAMA.				
Six companies. These companies were organized by General Pillow, but all persons between 18 and 45 fit for duty have been taken out.	21	47	356	425
MISSISSIPPI.				
Camp guard	4	10	54	68
Two companies composed of reserves and men unfit for field duty, by section 3, paragraph XIX, Bureau of Conscription, Circular No. 8.	8	18	124	150
Total	12	28	178	218
EAST TENNESSEE AND KENTUCKY.				
Camp guard			39	39
Supporting force, unfit for field service			15	15
Total			54	54

SEPTEMBER 9, 1864.

RICHMOND, VA., *September 10, 1864.*

His Excellency the PRESIDENT:

My son, Custis B. Jones, is employing his leisure hours on statistical estimates of the men and resources of the Confederate States, a labor he likes. I take the liberty of sending you one of them, which at least indicates his confidence in our ability to continue the defense, &c.

I am, sir, your obedient servant,

J. B. JONES.

[First indorsement.]

Respectfully forwarded to the War Department for file.

BURTON N. HARRISON,
Private Secretary.

[Second indorsement.]

In these tables consideration is not taken of the mortality occasioned by the casualties of the war. That mortality cannot be exactly ascertained in consequence of the absence of reports.

It is probable that for the four years it would average 50,000 per annum.

There are in captivity some 55,000 of our troops, and the permanently disabled probably amount to 50,000.

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va.

OUR AVAILABLE MEN.

The following calculations in reference to the available military strength of certain States of the Confederacy are based upon the census report of 1850. The States in regard to which statistics have been omitted are either wholly or chiefly within the enemy's power and can scarcely be considered open to the introduction of any conscription law or organized system of recruiting:

TABLE 1.—*White males between the ages of fifteen and fifty in the year 1850.*

States.	Whites.	Males between 15 and 50.
Virginia	894,800	212,686
North Carolina	553,028	125,851
South Carolina	274,563	64,313
Georgia	521,572	120,262
Florida	47,203	12,750
Alabama	426,514	101,746
Mississippi	295,718	73,450
Total	3,013,398	711,058

It appears from this that the male population between the ages of fifteen and fifty in the above-named States comprised in 1850 seven-thirtieths of their entire population. Upon the supposition that this is a constant ratio is based the estimate of the number of males between the ages of fifteen and fifty in 1860, as contained in the following table.

The State populations in Table No. 2 are taken from newspaper extracts from the unpublished census in 1860, and are official.

TABLE No. 2.—*White males between fifteen and fifty in 1860.*

States.	Whites.	Males between 15 and 50 (about).
Virginia	1,097,873	.....
North Carolina	679,965	.....
South Carolina	308,166	.....
Georgia	615,336	.....
Florida	81,885	.....
Alabama	520,444	.....
Mississippi	407,551	.....
Total	3,711,220	864,000

The table below gives an estimate of the present population on the supposition that population doubles itself once in forty years. The natural increase for one year would then be one-fortieth, and for four years four-fortieths or one-tenth:

TABLE No. 3.—*White males between fifteen and fifty in 1864 in the States named in the preceding tables.*

	Estimated.
Total whites	4,000,000
Males between fifteen and fifty	934,000

From the preceding estimate of the total white population at least 500,000 must be deducted on account of the enemy's occupation of Western Virginia, North Alabama, and sections of North Carolina, &c. We would then have something over 800,000 as the number of males between the ages of fifteen and fifty in the seven States named. If there be a deduction of 25 per cent. for those between the ages of fifteen and seventeen, casualties of war, &c., there would still remain 600,000 in these seven States available for military purposes at the present time. But probably this deduction would be more than balanced by the number of troops which have been obtained from States in the possession of the enemy and by the influx of refugees from those regions.

[SEPTEMBER 10, 1864.—For Brown to Hood, withdrawing the militia of Georgia from the command of General Hood, see Series I, Vol. XXXIX, Part II, p. 826, and for Brown's address to the militia composing the First Division, see Series I, Vol. LII, Part II, p. 735.]

SAINT CATHERINES, CANADA WEST,
September 12, 1864.

Hon. J. P. BENJAMIN,
Secretary of State Confed. States of America, Richmond, Va.:

SIR: I addressed you on the 11th of August last, in explanation of the circumstances inducing, attending, and following the correspondence of Mr. Holcombe and myself with the Hon. Horace Greeley. Subsequent events have confirmed my opinion that we lost nothing and gained much by that correspondence. It has at least formed an issue between Lincoln and the South, in which all her people should join with all their might and means. Even his Northern opponents believed, up to the meeting of the Chicago Convention, that the same issue would be decided against him by the people of the United States in November next. All of the many intelligent men from the United States with whom I conversed agreed in declaring that it had given a stronger impetus to the peace party of the North than all other causes combined, and had greatly reduced the strength of the war party. They thought that not even a majority of the Republicans would sustain Lincoln's ultimatum, laid down as his rescript, "To whom it may concern." Indeed, Judge Black stated to us that Stanton admitted to him that it was a grave blunder, and would defeat Lincoln unless he could countervail it by some demonstration of his willingness to accept other terms; in other words, to restore the Union as it was. Judge Black wished to know if Mr. Thompson would go

to Washington to discuss the terms of peace, and proceed thence to Richmond, saying that Mr. Stanton desired him to do so, and would send him a safe-conduct for that purpose. I doubt not that Judge Black came at the instance of Mr. Stanton.

Mr. William C. Templeton—professedly an acquaintance of the President, a planter in the Mississippi bottoms and a temporary resident of New Jersey, and reputedly a man of wealth before the war—has been here, representing that C. G. Baylor is in New York and was at the Chicago Convention, claiming to be a peace commissioner from the State of Georgia, duly accredited by Governor Brown, and urging an armistice and convention of States. Templeton wishes to see Mr. Thompson and to urge him to accept a safe-conduct to Washington, which Baylor was authorized to say would be furnished, with a view of arranging such preliminaries for peace. Templeton has gone to Toronto to see Mr. Thompson on the subject. I had no acquaintance with Mr. Templeton before meeting him here. I have known Mr. Baylor well enough not to place implicit reliance upon his statements. Still, as he is walking abroad in New York and traveling ad libitum in the United States, I believe he has been to Washington and has the authority he claims from there. I do not credit his being sent out by Governor Brown.

Templeton said Baylor objected to his communicating the above facts to me, because I was identified with the Davis dynasty, and not likely to agree to any terms of peace that would be unacceptable to the President.

You may have remarked that the New York Times maintains, as by authority, that the rescript declares one mode of making peace, but not the only one. The abler organs of the Administration seize this suggestion and hold it up in vindication of Lincoln from the charge that he is waging war to abolish slavery, and will not agree to peace until that end is achieved. Mr. Seward, too, in his late speech at Auburn, N. Y., intimates that slavery is no longer an issue of the war, and that it will not be interfered with after peace is declared. These and other facts indicate that Lincoln is dissatisfied with the issue he has made with the South and fears its decision.

I am told that his purpose is to try to show that the Confederate Government will not entertain a proposition for peace that does not embrace a distinct recognition of the Confederate States, thereby expecting to change the issue from war for abolition to war for the Union. He thinks a majority of the Northern people will oppose him on the issue he has made, but may support him on that he desires to make. It is thought that he will send commissioners to Richmond in order to develop the ultimatum of our Government.

If he does, it seems to me our true policy is not to make such development, or receive commissioners unless they come duly accredited to make peace, and in that event to demand their conditions and respond to them without suggesting ours. It is well enough to let the North and European nations believe that reconstruction is not impossible. It will inflame the spirit of peace in the North and will encourge the disposition of England and France to recognize and treat with us.

Most of our true friends from the Chicago Convention whom I saw thought it would be very unwise in the South to do anything tending to the defeat of McClellan. They argued thus: "Peace may be made with him on terms you will accept." At all events, he is committed by the platform to cease hostilities and to try negotiations. That is a

great concession from him and the war Democracy. An armistice will inevitably result in peace. The war cannot be renewed if once stopped, even for a short time. The North is satisfied that war cannot restore the Union and will destroy their own liberties and independence if prosecuted much longer.

If McClellan be elected the real indebtedness of the Government will be exposed, for his own sake and to damn the Republicans. The war must stop when that is known.

(Judge Black says it is not now less than five thousand millions, and such is the common opinion expressed to me.)

Again, your showing a preference for McClellan will aid him, increase the desire and disposition for peace in the North, and will foster the revolutionary spirit in the Northwest in case of Lincoln's election—which may be effected by force or fraud.

The platform means peace, unconditionally; Vallandigham and Weller framed it. It is recognized as satisfactory by nearly all the delegates at the convention and by the New York News and other peace papers. McClellan will be under the control of the true peace men. Horatio, or T. H. Seymour, is to be Secretary of State; Vallandigham, Secretary of War. McClellan is privately pledged to make peace even at the expense of separation, if the South cannot be induced to reconstruct any common government.

They also assure me that the speeches and the prevailing sentiment of the people at Chicago were for peace unconditionally, and this was the impression of the escaped prisoners there—of whom there were near seventy—with whom I have conversed. They say McClellan was nominated for his availability.

On the other hand, some of our friends expressed a hope that Lincoln will be elected on these grounds:

That McClellan has at West Point and Ticonderoga declared for war till the Union is restored, and can accept peace only with reunion; that he can raise an army and money to carry on the war, but Lincoln cannot; that the Republicans will sustain him in making war, and in addition to them many Democrats; that he will infuse new life, hopes, and vigor into the war party; that foreign nations will wait longer on him than on Lincoln before intervening or recognizing the South; that the platform is in accordance with McClellan's speeches and does not commit him to peace, except on the basis of Union; that Vallandigham betrayed them for the promise of a seat in McClellan's Cabinet; that Lincoln's election will produce revolution in the Northwest—McClellan's will not.

Such are the arguments briefly stated of the peace men who support or who oppose McClellan's election.

Perhaps our true policy is to keep our own counsels, withhold any further declaration of purpose, and let the so-called peace party of the North have no excuse for laying its defeat at our door, if Lincoln should be re-elected. By declaring for Lincoln rather than McClellan, we may divide the friends of the latter into a position of hostility to us as implacable and bitter as that of the Republicans. Yet since reading McClellan's letter of acceptance I see reason for preferring him to Lincoln.

I am induced to think, from the intimations of the peace papers and of individuals, that there will be a considerable minority of the Democracy of the North who will not vote for McClellan, and that they may put up some other candidate. His nomination has not been greeted as cordially as was anticipated, and the Republicans are evidently in better spirits than they were before the convention at Chicago. Perhaps the fall of Forts Gaines and Morgan and of

Atlanta may have caused the apparent change of feeling in the North. It is thought those events caused McClellan to ignore the platform or the construction given it by the unconditional peace men in his letter of acceptance. I remember that Doctor Mackay said, during his visit here, about three weeks since, that the Northern people were as unstable and capricious as spoiled children, and that although a large majority seemed resolved on peace, the capture of Richmond or Atlanta would cause most of them to renew their shouts for war. Certainly they are greatly encouraged by those captures and seem persuaded that the end of the "rebellion" is near at hand.

The Republican papers now urge Lincoln to employ all of his Navy, if necessary, to seal up the port of Wilmington, which they say will cut us off from all foreign supplies and soon exhaust our means for carrying on the war.

You may look with confidence to an attack on Fort Fisher ere long. I have been frequently asked by men of Southern birth, residing in the North, whose desire for our independence I do not doubt, whether we could support an army for six months after the port of Wilmington was sealed.

Upon the whole, I am confirmed in the opinion I entertained and often expressed before coming here—that the peace feeling of the North fluctuates with the vicissitudes of the war, increasing with their reverses and diminishing with ours. They will not consent to peace without reunion while they believe they can subjugate us. As to revolution in the Northwest, or anywhere in the United States, I am growing skeptical. The men who gave us strongest assurances of the purpose of the "Sons of Liberty" to rush to arms if any other illegal arrest was made, or any other abuse of private rights committed, are now in prison or fugitives in Canada. Their houses have been broken open, their arms and private papers seized, and other wrongs done them, without exciting anything more than a feeble protest from their friends. The people who would resist such outrages need a leader, and I fear they will not find one. Many of them would join our Army if they could get to it; but they may be forced into that of our enemy. They would resist the draft if they were not deterred by the large police force that is sent to enforce it.

I am assured by those who have been on the Ohio River and the roads leading across it that recruits for the army of Sherman are being sent forward daily. Lincoln will exert his utmost power to sustain Sherman and Grant in their present positions in order to insure his re-election. He knows that a great disaster to either of them would defeat him.

Mr. Thompson will, I presume, explain how the plans for the release of the prisoners failed. He took that matter under his peculiar and almost exclusive control, and I knew scarcely anything of it until everything was determined save the time of execution.

Mr. Holcombe will probably carry this communication to you, and can explain more fully than I can do on paper our operations here. He has remained here at the instance and request of Mr. Thompson and myself to await the result of the enterprise alluded to above. He has co-operated with us earnestly and actively in all our efforts and has sometimes expended the public money in his hands to promote the objects of our mission. Indeed, I am indebted to him for most of the money which I have used; but Mr. Thompson has, since Mr. Sanders was started to Richmond, put in my hands all the funds I asked for and more than I shall probably employ.

When Mr. Holcombe left the result of the measures for the release of our prisoners was not known, and, on that account, he transferred to me the balance of money on deposit to his credit in the bank at this place, that I might use it in affording those who had escaped, or might escape, the necessary transportation to Wilmington. He left here at the instance of Mr. Thompson and myself, for reasons which he will explain.

I have the honor, &c.,

C. C. CLAY, JR.

CIRCULAR No. 31.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., September 14, 1864.

Commandants of conscripts will forthwith order an examination by the medical boards of all non-commissioned officers, privates, and employés in the enrolling service. All such as are ascertained to be fit for field service will thereupon be immediately relieved from duty and returned to their respective commands, or if unassigned conscripts, will be sent to the field under existing regulations.

The requirements of the service forbid the retention in the department of conscription of men capable of performing active service in the field. The superintendent desires that this order be promptly executed, and will regard any attempt by the officers of conscription to evade it by retaining able-bodied men in the enrolling service as a grave dereliction of duty.

Commandants of conscripts will also order an examination by the medical boards of all officers assigned to duty in the conscript department of their respective States, and make report of the status of all such as may be ascertained to be fit for field service, particularly stating therein the name and rank of said officers, and whether the commands to which they belonged have been consolidated with others, or have been disbanded, or have their military organization unchanged.

By command of Brig. Gen. John S. Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

BUREAU OF CONSCRIPTION,
Richmond, September 14, 1864.

His Excellency JEFFERSON DAVIS,
President of the Confederation:

SIR: I have the honor to report on the inclosed paper referred to me by Your Excellency "for perusal and remarks with a view to remedy."*

To vindicate Colonel Browne from the aspersions of General Bragg I will have the reports of that officer forwarded to you as soon as they can be consolidated for easier reference. The violent denunciation of the service in charge of Colonel Browne is avowed to be made on defective reports, wanting in those attributes which are necessary for the correction of errors. They are perhaps the reports of ignorant and prejudiced persons sent rather as detectives than as military inspectors. The "accounts from Mississippi and Alabama" are very

* See Bragg to Davis September 7, p. 624.

probably of a like character and credibility, and, together with those from Georgia, are regarded by General Bragg as of sufficient importance to warrant the recommendation to the President that the only remedy is the expulsion from the service of all the officers on duty in this Bureau in these words: "A complete renovation of the Bureau and its ramifications will be indispensable."

General Bragg states that when he commanded an army these were his impressions. These impressions of General Bragg were then expressed in the form of an earnest, cordial, and emphatic approval of and active aid to the system instituted in Alabama and Mississippi by General Pillow. That system had employed in those two States over 1,000 officers and over 6,000 men, and as from June, 1863, to January, 1864 (when it was abolished), it did not send one man to the Army of Northern Virginia, it is not presumable General Lee would concur in General Bragg's impressions as to the policy of re-establishing it. Perhaps General Bragg himself would hesitate to recommend that (maintain the proportion throughout the Confederacy) 6,000 officers and 36,000 men should be detached from the Army to do the work of conscription.

The shorter mode of attempting the remedy is the one proposed by General Bragg—its efficiency must be proved by the result.

I therefore respectfully recommend that in pursuance of General Bragg's advice you order "a complete renovation of the Bureau and its ramifications." As the first step toward this renovation and the one evidently aimed at, and most acceptable to General Bragg—indeed, perhaps meeting the whole purpose of his statement and recommendations—I have asked this day instant relief as superintendent of the Bureau, and forwarded the resignation of that high commission you bestowed on me three months ago, after nine months daily observation of my administration of that Bureau—for the efficient renovation of which my ignominious expulsion is now demanded by General Bragg. My commission, and the prompt and unanimous confirmation of it by the Senate, after my reports and my system of administration had been thoroughly discussed and sifted by Congress, is a sufficient vindication from denunciations based on avowedly imperfect and uninformed reports. And I fear it will scarcely be found after the change that a great public policy will be effectively administered simply by expelling a few officers from service and renovating a Bureau.

I venture to suggest that the sudden removal of the officers on duty in the Bureau might be detrimental to the public service. They are familiar with the service, which is somewhat intricate, and have been but my instruments in the condemned system. They will still work patriotically under other auspices.

Having thus adopted and, to the extent I can control it, carried out General Bragg's remedy for the evils of the conscription service, I need not offer any further suggestions concerning it.

I have the honor to be, Mr. President, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 14, 1864.

Hon. W. N. H. SMITH,
Murfreesborough, N. C.:

SIR: I have received your letter calling attention to the mischievous and demoralizing effects of the traffic in cotton initiated by the Commissary Bureau and carried on across and beyond the Chowan River. In reply I have the honor to say that the Department cannot concur in thinking the evils as stated by you as resulting to the extent supposed from the trade established by the Commissary-General, and its results have really been so satisfactory in affording supplies that I am not, without further developments and inquiries, prepared to prohibit its continuance.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 72. ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., September 15, 1864.

Private letters or communications relative to military marches and operations are frequently mischievous in design, and their publication generally injurious to the military service. They are, therefore, strictly forbidden; and any officer or soldier, or other person serving with the armies of the Confederate States in the field, who shall be found guilty of making such communication for publication, or placing the writing beyond his control, so that it finds its way to the press before one month after the termination of the campaign to which it relates, shall be punished, according to the degree of his offense, by the sentence of a court-martial.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE BUREAU,
Richmond, September 15, 1864.

The following have been adopted as the regulations governing officers of the Subsistence Department in the issuing, receiving, and shipping of subsistence stores:

An officer issuing stores shall deliver or transmit promptly to the receiving officer an exact list of them in duplicate invoices, stating the number of packages and the gross, tare, and net weight. He shall see that the gross, tare, and net weight are distinctly marked on each package. He shall see that the number of packages and gross, tare, and net weight are distinctly marked on the transportation invoice, waybill, or bill of lading. He shall take from the quartermaster or railroad agent in charge of transportation duplicate receipts corresponding with the transportation invoice. If he fails to receive from the receiving commissary a receipt corresponding with the invoice forwarded to that officer, he shall forward to this Bureau, with his provision return, one of the duplicate receipts of the quartermaster or railroad agent as evidence that the shipment was made. If the forwarding commissary fails to pursue this course he shall be held

responsible for any loss or damage sustained, unless it can be proven that the loss or damage resulted from no negligence on his part.

The receiving officer shall return promptly to the issuing officer duplicate receipts for such amounts as are actually received by him.

If the officer to whom stores are forwarded has reason to believe them miscarried, he shall promptly inform the issuing officer, the quartermaster, or railroad agent whose duty it was to forward the stores, and the bureau of the department to which the property appertains.

When stores received do not correspond in amount or quality with the invoice, they will be examined by a board of survey; or if that is impracticable, he shall take the certificate of one or more commissioned officers; or if that is impracticable, he shall take the affidavit of one or more disinterested parties as to the condition of the stores when received and the amount of loss sustained, and this report will be communicated to the proper bureau, to the issuing commissary, to the quartermaster or railroad agent forwarding the stores, and to the officer authorized to pay the transportation account. If the receiving officer fails to pursue this course he shall be held responsible for the full amount of the shipment. Damages recovered from the carrier or other party liable will be refunded to the proper department.

Commissaries will, when large shipments are made in succession, cause each package to be marked in such a manner as will enable the receiving officer to distinguish the different shipments, and will notify him of the particular mark.

By direction of the Commissary-General:

S. B. BREWER,
Major and Commissary of Subsistence.

CIRCULAR.] CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, Va., September 15, 1864.

The circular issued from this office on September 1, 1863, regulating the transportation of public stores is hereby revoked and this circular will be adopted in its stead.

It will be the duty of each quartermaster to require one of his clerks to superintend the receipt and forwarding of all supplies consigned to him, for which he will furnish transportation, on the accompanying form only, over the road running from his post to the connecting road, this form, or bill of lading, being the order for transportation, waybill, and receipt, upon which the railroad is to collect its freight charges, and no other voucher will be accepted for through freight. The bills of lading to be signed in quadruplicate by the receiving road, two to be turned over to the consignor (thus doing away with the necessity of an exchange of receipts between the shipping quartermaster and the consignor, and enabling the consignor to settle his accounts directly with the Auditor by producing the railroad receipts), one to be retained by the railroad, and the other to be forwarded to the next quartermaster to whom the receiving road is required to deliver, which being done he will sign the receipt upon their bill of lading, showing the number of packages received, whether in good or bad order, and, if any, how many are missing, and furnish the connecting road with a separate set of bills for goods shipped and receipted for by it, and so on to destination.

If any damage or loss occurs the extent and money value will be agreed upon between the quartermaster receiving and a representative of the railroad company, or in the event of their disagreeing these two parties shall call in a third, whose decision shall be subject to the approval of the Quartermaster-General, and the amount of damage or loss shall be expressed on the voucher retained by the railroad company.

This at once fixes the loss and damage, if any, upon the responsible party, prevents a suspension of vouchers, and simplifies payments.

When loss or damage is determined a copy of the voucher, with indorsement showing the same, must be immediately forwarded to the quartermaster auditing the accounts of the responsible road.

The stores must be turned over to the shipping quartermaster upon duplicate invoices, one to be retained by the shipping quartermaster as his authority for furnishing transportation and the other to be forwarded by him with the stores and in charge of the conductors of trains, that each forwarding officer may indorse on the same the number of packages lost or missing, and thereby enable the consignee at once to account for the whole shipment.

It will be the duty of the consignor to send duplicate invoices to the consignee apprising him of the shipment by this department.

Vouchers for local transportation to intermediate points where there is no quartermaster or other authorized officer or agent to receipt for stores will be given as heretofore.

A. R. LAWTON,
Quartermaster-General.

[Form of bill of lading.]

GOVERNMENT TRANSPORTATION.

No. ——.

Shipped, in good order and condition, by ——— ———, quartermaster, C. S. Army, on the ——— ——— Railroad, at ——— ———, the following stores, viz:

Date.	Articles.	Marks.	Weight.	Original consignor.	Ultimate consignee.	Ultimate destination.

The property of the Confederate States, being marked and numbered as above, and are to be delivered in the like good order and condition, at ——— to the connecting ——— ——— Railroad, unto ——— ———, quartermaster, or his assigns, his or their receipt upon this bill for the same being required to complete the evidence of delivery.

In witness whereof the agent of said ——— ——— Railroad hath affirmed to four bills of lading, all of this tenor and date, one of which being accomplished the others to stand void.

Dated at ———, this —— day of ———, 186—.

———— ————,
Agent, ——— ——— Railroad Company.

———

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 15, 1864.

Maj. Gen. HOWELL COBB,
Commanding Reserves in Georgia:

GENERAL: The condition of the currency of the Confederate States and the cupidity of many of the producers of provisions compel the

military authorities to resort to impressment as a means to provide for the immediate wants of the Army, and to accumulate stores for their prospective supply. The authority for this is contained in the acts of Congress published in Orders No. 37, of the series of 1863; Orders No. 30 and Orders No. 39, of the current series, and in the regulations accompanying these acts, and contained in these orders.

The Department regards the act of impressment as an appropriation of the property for the use of the Confederacy, and that it is the duty of the owner, his agent, or bailee to co-operate frankly in the measures necessary to adjust the price and for the transfer of the property to the Confederate officers. Congress has supposed that there would be none so regardless of his public duty in this period of calamity and danger as to oppose or frustrate these measures. It has, however, sometimes happened that this expectation has been disappointed, and that concealment, evasion, and clandestine removal of the property impressed have been resorted to to defeat impressment.

The Department instructs you that whenever an officer of one of the departments of supply, who is authorized to make impressments under the orders of this Department, shall certify to you that a citizen refuses to give information of the supplies liable to impressment that he may have in his possession; that he conceals or removes such property, or that he withholds the property and refuses to take suitable measures under the acts of Congress and regulations for the adjustment of the price, to furnish the necessary military assistance, and to make the impressment operative and effectual.

The Department admonishes you to see that the force employed is no larger than is strictly necessary; that the proceeding be conducted with the caution and care that would mark the execution of civil process; that the owner be informed and advised by you or your officers of his duty and yours in the matter intrusted to you, and that moderation, good temper, and firmness should characterize your actions under this order.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

(Same to General J. L. Kemper, in Virginia; General James Chesnut, in South Carolina; General T. H. Holmes, in North Carolina; General Withers, in Alabama, and General Brandon, in Mississippi.)

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, September 15, 1864.

Lieut. Gen. RICHARD TAYLOR,
Meridian, Miss.:

GENERAL: By direction of General Bragg I herewith inclose unofficial report of Capt. Samuel S. Harris, assistant adjutant-general, for your information.

I am, general, very respectfully, your obedient servant,

ROBT. STRANGE,
Major and Aide-de-Camp.

[Inclosure.]

JACKSON, MISS., *September 7, 1864.*

General BRAXTON BRAGG,
Richmond, Va.:

GENERAL: In the course of the tour of inspection made by Maj. B. F. Jones and myself in the State of Mississippi many facts relating

to the condition of this portion of the country have presented themselves and are of sufficient importance, I think, to merit your particular attention. In pursuance of your verbal instructions given to me at Montgomery I respectfully ask leave to lay them before you in an unofficial communication.

The condition of Mississippi is truly deplorable in many respects, and the necessity for radical and thorough reforms in the administration of military affairs has everywhere suggested itself. The mass of the people are corrupted and demoralized, and in those regions of the State which lie contiguous to the enemy the disgraceful fact of subjugation is almost completed. In addition to this I believe that the administration of military affairs in some portions of the State has been unfortunate and little calculated to repress the growing evils which abound everywhere. The causes of the demoralization of the people are few and simple, but it must be admitted that they have been singularly effective. Of the natural and unavoidable discouragement produced by the presence of the enemy upon the minds of the people at home I shall say nothing. The chief cause of the present condition of the State, however, is the irregular and unlawful traffic with the enemy that has subsisted for many months and that still goes on with undiminished vigor. There are few persons along our military frontier who have not sold cotton to the enemy. Part of this cotton trade has been authorized by the Government under various contracts. Of the gross evils that have grown out of these I need not speak, as Major Jones has already enlarged upon them.

Another branch of this cotton trade has been carried on under authority from department and district commanders, which I believe to have been wholly unauthorized by the authorities at Richmond. For instance, Colonel Goodman, of this State, now holds a contract entered into between himself and Lieut. Gen. S. D. Lee, the terms of which grant Goodman the right to use Government cotton in exchange for supplies. There are others of the same character approved and authorized by department headquarters.

District commanders have also taken part in this all-engrossing matter. During a long interview which I had yesterday with Brig. Gen. Wirt Adams I was informed by him that he had entered into a contract with one J. J. Smylie to procure certain supplies for his own command. General Adams believes that he has competent authority for this. In this I believe he is mistaken. His only authority, I think, has emanated from department headquarters. I need not suggest the impropriety of allowing such contracts to continue. They demoralize the people, and what is worse still the army, too, and produce no results beneficial to the cause.

General Adams has granted to a few individuals in his district permission to carry private cotton through the lines for the purpose of obtaining supplies. The object of General Adams was undoubtedly a humane one and his motives have been pure, I do not doubt; but the evils that result from such a course are pernicious in the extreme. The dignity and character of our officers and army have been grossly detracted from by rumors of corruption, and the granting of every permit of this character has encouraged all kinds of injurious reports and slanders to be propagated and believed. As a natural consequence the unauthorized sale of cotton to the enemy has been greatly encouraged, few citizens hesitating to assume a privilege which they conceive to have been granted by favoritism to a few. In regard to these irregular and unauthorized transactions with the enemy, and also in

relation to irregular permits granted by General Adams, I have the honor to refer you to the inclosed papers, marked Nos. 1, 2, 3, and 4. They are the only evidence that is attainable and are entitled to consideration. They certainly prove this fact, if no more, that the administration of affairs here has not been of such a nature as to escape animadversion and even suspicion. For these reasons I respectfully recommend that such instructions be issued to department and district commanders as will prohibit them from authorizing any kind of intercourse with the enemy that is not specially authorized by the authorities at Richmond.

The opinion is widely spread, even among military men, that gross and criminal collusion exists between some of these contractors and cotton agents and the Yankee authorities, and that most of the raids made by the enemy in this portion of the State are made for the specific purpose of carrying off the cotton which said contractors, &c., have placed at convenient places along their route. In illustration of this General Adams told me of a case, the facts of which are these:

Some *soi-disant* French citizens at Yazoo City entered into a contract with Lieutenant-General Lee to furnish certain supplies in exchange for cotton. One hundred and twenty-nine bales of this cotton were sent to Yazoo City to await the arrival of the supplies that were due on a certain day. On the very day on which these supplies were to have reached Yazoo City a large force of the enemy moved out to that point with the evident purpose of seizing the cotton, and this was done at the instigation of the above-named French contractors, who boasted that they would thus get the cotton without the necessity of paying for it. Fortunately the cotton was destroyed by General Adams. There is no doubt, however, that the same thing has often been done in the State, and many times, with entire success.

It may be asked why the system of unauthorized blockade-running, already alluded to, has not been suppressed by the military authorities. The main reason I believe to be this: Along our lines there are many companies of "independent scouts," who have occupied their present positions and discharged their present duties so long that they have become notoriously corrupt and inefficient. They have their price, and the blockade-runners know well how to pay it. "A pair of boots and a bottle of whisky" will scarcely ever fail, I am informed, to secure a passage for a load of cotton through the lines. Nor does this apply to "independent scouts" alone. The practice of detaching companies of cavalry and keeping them on duty along the line as scouts for a long time is productive of precisely the same results. In relation to this I respectfully ask your attention to the inclosed papers.

In view of these evils—and I cannot overdraw them—I respectfully suggest that all companies of "independent scouts" be abrogated, and that these commands be placed upon the same footing as other commands in the field, and that in future commanding officers be required to change the scouts and pickets in their front at least once in every two weeks, making regular details for the purpose.

The effects of this cotton trade with the enemy can hardly be estimated or understood by one who has not witnessed them. The fact is that cotton, instead of contributing to our strength, has been the greatest element of our weakness here. Yankee gold is fast accomplishing what Yankee arms could never achieve—the subjugation of

to the condition of this portion of the country have presented themselves and are of sufficient importance, I think, to merit your particular attention. In pursuance of your verbal instructions given to me at Montgomery I respectfully ask leave to lay them before you in an unofficial communication.

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this people. I seriously believe that we would have been far better off to-day if all the cotton in this department had been destroyed two years ago, and it may yet be necessary for our authorities to illustrate their determination to prosecute to a successful termination this war for our independence, by applying the torch to all the cotton that remains. Many complaints from officers and others have reached me of what is termed the culpable misconduct of some of Mr. De Bow's agents in this State. This "Cotton Loan Agency" has been a mammoth affair in this State, and many abuses and corruptions may have existed without the knowledge of its chief, Mr. De Bow. I respectfully recommend that a thorough inspection and investigation of all its operations be ordered by you.

I respectfully ask your attention to the condition of many of the military posts in this department. Most of the post commanders that I have visited have been badly instructed in the duties of their positions, because the orders and instructions intended for their governance are rarely or never sent to them from department headquarters. I have visited many of these officers who have never received or seen a single order from the Adjutant and Inspector General's Office, and are consequently entirely ignorant of the many important duties enjoined therein. It would seem from this that great negligence exists somewhere. I am forced to the conviction that the administration of this department has hitherto been exceedingly loose and inefficient. An active, energetic, and efficient department commander is greatly needed to bring order out of chaos and to infuse life and vigor into the routine of department business. Such an officer, unencumbered for a time at least by all merely local duties, might soon rescue a productive and important portion of the Confederacy from the many abuses which now oppress and injure it.

In conclusion of this report and at the conclusion, too, of our duties in this State, I trust that the considerations which are urged below will not be considered superfluous and impertinent. In a department like this the duties of an inspector are not only great, but continuous. In order to accomplish the results desired his inspections should not only be minute, but should be repeated at intervals in order to insure the suppression of evils. In fact, the presence of an inspector is necessary almost all the time. The many reasons which support this will suggest themselves at once to you. In view of this I respectfully suggest that a permanent inspector or inspectors be assigned to a certain geographical or military district, composed of not more than two States, whose duty it shall be to accomplish such inspections as you may direct under such instructions and discretion as you may see fit to intrust. The many contracts in this department, and the importance of the quartermaster's and subsistence departments in the States of Alabama and Mississippi, demand the constant presence of an active and energetic inspector at all times. If such a view meets your approbation, I respectfully beg leave to recommend Maj. B. F. Jones for that duty. It is but an act of simple justice for me to give my official testimony to the singular fidelity and efficiency with which he has discharged his duties on this tour of inspection.

I am, general, very respectfully, your obedient servant,

SAM. S. HARRIS,

Captain and Assistant Adjutant-General.

[Sub-inclosure No. 1.]

Extract from report of provost-marshal at Raymond for the month of August, 1864.

* * * * * * *

There is a considerable trade going on between this part of the country and Vicksburg. Blockade-runners still continue to carry through cotton to that place. The scouts on Big Black are apparently very inefficient in the checking of illicit trade with the enemy.

Captain Martin commands the line from Messinger's Ferry to Grand Gulf, and a great many think that blockade-running is winked at by him, and everybody complains of him and blames General Adams for continuing him in command, accounting for his supposed leniency toward Captain Martin on the grounds that he is General Adams' nephew. Be that as it may, cotton continues to go through the lines. Several lots have passed through upon General Adams' passes. One of 140 bales for the asylum, another for Government of seventy bales, and a man named Boone took through seven or eight loads, supposed to be on his own account, about the 1st of the present month. Citizens carry cotton into Vicksburg occasionally, whether with or without his pass am unable to say, but they are generally termed "Adams' pets."

Our scouts soon become demoralized. In many instances the promise of a hat or pair of new boots is a sufficient bribe to buy their permission to pass cotton or anything else through the lines. Time to make the acquaintance of the scouts seems to be all that blockade-runners require.

W. H. OLDHAM,
Captain and Provost-Marshal.

[Sub-inclosure No. 2.]

ENROLLING OFFICE, HINDS COUNTY,
Jackson, Miss., August 9, 1864.

Maj. M. F. BERRY,
Enrolling Officer, 6th Conscription Dist., Enterprise, Miss.:

MAJOR: I have the honor to submit the following statement in regard to R. L. Boone, whose application for exemption I forwarded to your headquarters yesterday, with the statement that the applicant would be sent forward: Yesterday evening I had Boone notified that he must report at this office this morning prepared to go to Enterprise, and gave my guard instructions to arrest him if he failed to comply. (This was before I received your telegram of yesterday.) During the night or this morning Boone started to the enemy's lines, or Vicksburg, with sixteen bales of cotton. When my guard arrested him he produced a permit from General Wirt Adams, granted under authority of Secretary of War, to carry to and exchange with the enemy some thirty bales of cotton for bagging rope and stationery, and also produced permission to pass all guards and pickets unmolested. My guards, thinking they were obliged to obey this order from General Adams, allowed Boone to pass, and I presume that he has gone on to Big Black or Vicksburg.

This will show why Boone has not been sent to Enterprise.

Very respectfully, yours,

JO. H. MILLER,
Enrolling Officer, Hinds County.

[Sub-inclosure No. 3.]

JULY 28, 1864.

I learned this evening from reliable sources that Captain Martin, commanding the line from Messinger's Ferry to Grand Gulf, has been and is at this time allowing cotton to be carried into the enemy's lines. Furthermore, I learned that Captain Martin himself had been transporting cotton across Black lines for the purpose of trading with the enemy.

For evidence you will apply to J. D. Goodwin, Auburn, Hinds County, Miss.

B. S. WHITE,
Lieutenant, Commanding Scouts.

[Sub-inclosure No. 4.]

POST CANTON, MISS., *August 22, 1864.*

Captain HARRIS,
Inspector:

CAPTAIN: In reply to your inquiry about blockade-running I will state: On or about May 20 I seized a wagon loaded with cotton bound for Vicksburg. On examination I found the parties in possession of papers signed by Brig. Gen. Wirt Adams, allowing them the privilege of carrying the cotton to Vicksburg. I at once presented the said papers to General Adams to know if they were correct. He replied that they were and ordered me to release them.

In regard to A. D. Sheldon, he is at this time absent and I cannot furnish you with a copy of his orders. Inclosed you will find statement of Lieutenant Chilton, enrolling officer for this county, which, in my opinion, is entirely correct.*

I most respectfully call your attention to the condition of the scouts in our immediate front. They are badly demoralized, to say the least of them. Citizens report to me daily that they can go into enemy's lines at the expense of a bottle of whisky or a pair of boots. To my certain knowledge their outfit consists mostly of blockade goods. I am not able to account for this unless they trade directly with the enemy or through the citizens. This being the case, I think a change of scouts would be very beneficial and aid greatly in suppressing trading with the enemy.

Very respectfully, your obedient servant,

J. N. ARCHER,
Captain, Commanding Post.

[Sub-inclosure No. 5.]

DISTRICT ENROLLING OFFICE,
Canton, August 22, 1864.

Capt. J. N. ARCHER,
Commanding Post, Canton, Miss.:

CAPTAIN: Owing to the growing evil in this district of blockade-running and the consequent demoralization of the inhabitants, and the few instances in which such parties are brought before the authorities, it is thought that the scouts, whose duty it is to guard against such violations of the law, must have become to a great extent demoralized and *particeps criminis* with the persons engaged in unlawful trade with the enemy.

As an officer of the Confederate Government desirous of seeing this evil checked, I would suggest that the scouts now serving here be

* See sub-inclosure No. 6, p. 651.

removed at least once a month, and in this connection I would state that I am organizing a company from men between forty-five and fifty years of age, of planters loyal and true to the Government, who are willing to mount and equip themselves and to perform police in addition to conscript duty in the Yazoo Valley.

I would respectfully suggest through you that this company be assigned to this service, as I am fully satisfied from the character of the men composing it that they would in all instances execute a rigid enforcement of the law without favor to any one, and thus to some extent secure the end so much desired.

I am, captain, with respect, your obedient servant,

J. D. UPTON,
Maj. and Dist. Enr. Officer, Comdg. Fifth Dist. of Mississippi.

[Indorsement.]

HEADQUARTERS POST,
Canton, August 22, 1864.

Approved.

Respectfully forwarded to Captain Harris, special inspector for Department of Mississippi, Alabama, and East Louisiana, and attention asked to within statement of facts in connection with report from this office.

J. N. ARCHER,
Captain, Commanding Post.

[Sub-inclosure No. 6.]

DISTRICT ENROLLING OFFICE,
Canton, August 22, 1864.

Capt. J. N. ARCHER,
Commanding Post, Canton, Miss.:

CAPTAIN: I respectfully submit the following report in case of A. D. Sheldon, a citizen of this place and an employé of the Mississippi Central Railroad:

Upon assuming the duties of enrolling officer at this place in April last I immediately inspected his papers, in order to determine his status, and was informed that he was an employé on the Mississippi Central Railroad, running from this place to Grenada, and that he was not then actually engaged on the railroad, being employed in carrying out a contract made by Colonel Goodman, president of the Mississippi Central Railroad, with the Confederate States of America for the purpose of bringing out goods from the enemy's lines in exchange for cotton, and exhibited to me a pass from Maj. Gen. S. D. Lee, approved by General Wirt Adams, instructing all guards and pickets to pass him through our lines at all times until further orders, a copy of which is at this time impracticable to furnish, said A. D. Sheldon being absent.

I wrote to Colonel Goodman, the president of the railroad, in order to satisfy myself more fully as to the truth of the foregoing statements, and in a subsequent conversation had with him they were fully sustained.

Mr. Sheldon was reported through this office, in conformance with the requirements of the law, on the monthly reports of the railroad made to the commandant for Mississippi, and now holds his exemption papers as an employé of aforesaid road.

Respectfully submitted.

C. N. CHILTON,
Lieutenant and Enrolling Officer.

COLUMBIA, *September 15, 1864.*

[President JEFFERSON DAVIS:]

SIR: The circumstances of our present political condition will be the apology for this letter. A few moments will be as much of your time as I will consume, I am sure, because I write upon the best authority that a revocation or modification of the present details with the reserve forces of this State would put into the field from 8,000 to 10,000 men. I have the like authority for the belief that a proportionately larger force from the same sources in Georgia and North Carolina could be easily brought into the field. The three States undoubtedly could thus put into the field from 20,000 to 30,000 men. If to these will be added such forces as could be brought from Alabama and Mississippi, an army is at once created—an army which, with great deference to your better judgment, operating in and upon the rear of General Sherman, would wipe out the disaster of the loss of Atlanta in the glory of its recovery. These troops, finding a point of convergence sufficiently in the rear of General Sherman, so that their junction would be certain, might thus, with the army of General Hood in his front, convert the captor into the captive, and be the crowning triumph of a campaign which but for the disasters in Georgia would have been in all respects as remarkable as has ever been recorded.

It would be unnecessary for me to write to you of this, concerning which you are better informed than I can be, but it is of another matter connected with it, and of which I venture to make a suggestion. Such a movement as has been indicated would be assisted by the people of the States not included in the lists of detailed men or of the reserve force. I feel sure that concurrently with this the spirit of the people, in many places diverted if not downcast, could be vitalized and awakened; that their temper in some places, not sustained at the high point it reached in the commencement of our contest, could be brought back to what it was and an enthusiasm as deep and strong as that which introduced our revolution be now excited, and which when so excited would hasten it to a victorious conclusion. I believe that the difficulties which surround us could be converted into sources of strength and our dangers become the weapons of our deliverance. I have adverted to the temper (it may seem the indifference) which will be found with some, perhaps with many, and you may ask me how it is intended to overcome this moral atrophy. I am not apt to be seduced by an oversanguine expectation, but of this I am sure—with such an organization as has been referred to and a knowledge of the purposes for which it is intended, with the fact that they who were not bound to military service and would become united in this movement would not be required for the execution of the plan to be in the field for more than sixty or ninety days, it would be easy to excite and move large bodies of our people into this enterprise. It would be recognized as a campaign in which there would be no exemption, because there would be no compulsion—in which there should be no exemption, because they who were entitled to the exemption would discard it. We can preach the enterprise as they preached the crusade. We can preach the expulsion of the foe as we preached the disruption of the Union. I know those who will take up the torch and bear it, and I am sure that with the spirit which animates them their success will be certain. They will accept it as a holy calling, will suspend their duties and avocations, and I know will rouse themselves to a temper which will move them with

irresistible force upon their invaders. It is easy to show all that an enterprise full of glory is also most conducive to our prosperity, and that a few hours of danger would gain a lifetime of security. If the movement required the complete suspension of all details, it would seem as if the occasion would more than justify it. But it need not be so. It would not be so. A portion of the detailed force, the least useful in the field, might be left. And who would weigh the consequences of a partial suspension of the operations of these details with the advantage which would result from placing them in the field and welding them together in one compact mass, giving life and hope to the army of General Hood, sustaining the cause of the Confederacy with this gallant, if sorely pressed, army, and with it a general who will fall unless he can retrieve his losses, which the popular judgment will ever confound with his faults.

I will not venture to press the matter further than to say that for its successful achievement it requires one whose skill and ability are acknowledged, and that the extent of the draft upon the detail should be left to the sound discretion of the officers to whose hands the movement is committed.

With great respect, your obedient servant,

A. G. MAGRATH.

BUREAU OF SUBSISTENCE,
Richmond, September 15, 1864.

Col. L. B. NORTHROP,
Commissary-General:

COLONEL: I beg leave to call your attention to the fact that we are without fifteen days' supply of meat in this city for the subsistence of General Lee's army and other troops, employés, &c., dependent upon us; nor have we an accumulation in any of the States upon which to draw in the future. The collection of meat from all sources during the past thirty days would not subsist the Army of Northern Virginia for one week, the operations of the department having been seriously interfered with from the want of adequate means with which to purchase, liquidate accrued indebtedness, and thus restore public confidence, so seriously impaired in many sections of the Confederacy from our past inability to comply with obligations and from the financial policy heretofore pursued.

The impressment act has signally failed in affording the relief that was anticipated, simply because payment is required to be made when the law is enforced, a clause which practically nullifies it, since our restricted means will not enable us to offer currency, and the mass of the people refuse to accept the 6 per cent. certificates and non-taxable bonds, although our officers have been instructed to make every effort to induce their acceptance, believing it obligatory upon us to aid the Treasury in every practicable way. In all the States impressments are evaded by every means which ingenuity can suggest, and in some openly resisted. In North Carolina our receipts are insignificant, and in Georgia and Alabama we are unable to purchase corn for want of money, which necessitates the consumption of our limited stock of flour, so desirable to preserve for active campaigning. In Virginia the meat supply has been exhausted, but it is believed that considerable cattle and bacon are yet to be had in Georgia, Alabama, and Mississippi, provided the necessary funds are at our command.

Within thirty days the Army of Tennessee will have consumed the present supply of meat. Our officers in all of the States are fully alive to the interests of the department, but the difficulties which beset them are insurmountable, and must receive due consideration in connection with the present condition of the commissariat.

Very respectfully, your obedient servant,

S. B. FRENCH,
Major and Commissary of Subsistence.

CIRCULAR No. 32.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., September 16, 1864.

The following rules are adopted for the payment of the extra compensation to detailed non-commissioned officers and privates of the Army and of conscripts in the service of this Bureau at all points out of Richmond:

I. All such detailed men will receive their regular pay, rations, and other allowances as if actually on field duty.

II. In addition to their pay, &c., each detailed man shall receive $1 per day as extra-duty pay proper, to be paid for each day of such extra-duty labor.

III. As extra compensation for extraordinary skill, labor, and industry on the part of any detailed man, there shall be paid for each day on which service is actually rendered as follows: For first-class clerks, $2 per day; for second-class clerks, $1 per day. Provided, that when any detailed clerk receives his allowances in kind (as at hospitals), he shall be paid only 25 cents per day and no more, either as extra-duty pay proper or otherwise.

IV. In case of a detailed man being employed as a mechanic, he shall be paid such extra compensation for extraordinary skill, labor, and industry as may be allowed to detailed men similarly employed in the quartermaster's department at the same place, or the nearest post thereto, and which may be fixed under General Orders, No. 66, Adjutant and Inspector General's Office, current series.

V. Commutation to detailed men or conscripts before assignment will be allowed at the rate of $20 per month in lieu of all allowances for fuel, quarters, and straw.

VI. These rates are to take effect from and after the 1st day of August, 1864.

By order of Brigadier-General Preston, superintendent:

C. B. DUFFIELD,
Assistant Adjutant-General.

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
Richmond, September 16, 1864.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I have the honor to forward herewith the muster-rolls of the reserve forces of Virginia which have been organized up to this time. The muster-rolls contain the names of 13,072 officers and men. They show that the reserve forces of Virginia, already organized, are composed of 144 companies, averaging 90 men to the company. They are already divided into five brigades under temporary

brigade commanders, embracing nineteen regiments and battalions, besides detached companies. These brigades have an average of 2,600 men each.

I have the honor to be, general, very respectfully, your obedient servant,

J. L. KEMPER,
Brigadier-General.

CONFEDERATE STATES OF AMERICA, DEPT. OF JUSTICE,
Richmond, Va., September 16, 1864.

Governor Z. B. VANCE,
Raleigh, N. C.:

DEAR SIR: Your letter of 1st instant reached here during my absence on a brief visit to North Carolina, whence I returned only yesterday. I avail myself of the earliest opportunity to reply. I do not understand your letter as asking of me an official opinion as to the legality of the position assumed by the War Department asserting the right of the President and denying that of the Governor to appoint the officers of the regiments known as the "State troops" of North Carolina. Indeed, under the law and the uniform practice of this Department I am forbidden to give such an opinion except upon the requirement of the President or the Secretary of War. I must therefore content myself with explaining to you that view of the law which has governed the War Department in its late action. You are mistaken in supposing that the right of the President to appoint the officers of these troops is claimed under the conscription acts, or either of them. It is derived from a higher source, and is considered not as a right simply, but as an imperative duty.

I have not examined particularly into the history of these requirements, but am informed at the Adjutant-General's Office that they were received into the service of the Confederate States under the general authority of the act "To make further provisions for the public defense," approved 11th of May, 1861. The Constitution recognizes but two classes of troops in the service of the Confederate States, to wit, the Army of the Confederate States and the militia. The appointment of the officers of the latter is reserved to the States; but the officers of "the Army," like all other officers of the Confederate Government, are required to be appointed by the President, with the advice and consent of the Senate. This difference in the mode of appointing officers gave rise early in the war to a very important question—that is, in which of these two classes are volunteers and troops furnished by the different States to be embraced.

In August, 1861, Mr. Benjamin, then Attorney-General, gave an official opinion that troops furnished by the States upon a requisition of the Confederate Government were militia and their officers were to be appointed under the State laws. Under the authority of this opinion and the belief that it covered the case of the North Carolina State troops, the appointment of the officers of those troops was yielded to the Governor.

In August, 1862, the case of troops raised and organized under the State laws and received into the service of the Confederate States under the said act of 11th of May, 1861, was presented to Mr. Attorney-General Watts for his opinion and he declared, officially, that such troops are a part of "the Army of the Confederate States," and all vacancies among their officers are to be filled by appointment of

the President, with the consent of the Senate. I send you a copy of so much of the opinion as relates to this point.

This view of the law, declared in this opinion, has been adopted by the Secretary of War upon the case of vacancies in the North Carolina State troops being directly presented to him. He feels that he is imperatively bound by the Constitution that the appointments should be made by the President, and that he has no discretion any longer to acquiesce in an arrangement made by his predecessor under what he believes and what has since been declared to be an erroneous construction of the law.

This brief synopsis, with the copy of Mr. Watts' opinion, will advise you of the reasons by which the War Department has been governed and enable you to judge of their validity. I express no opinion myself, being, as I have said, precluded from so doing by the rules of my office.

Very respectfully, yours, &c.,

GEORGE DAVIS.

[Inclosure.]

Assuming that these regiments and legion were received into the Confederate service under the act of the 11th of May, 1861, as organized bodies, the question is still, how are vacancies in the offices to be filled? This act expressly declares that volunteer forces accepted under it shall be organized in accordance with and subject to all the provisions of the act entitled "An act to provide for the public defense." The fifth section of the latter act declares that the officers of companies, squadrons, battalions, and regiments "shall be appointed in the manner prescribed by law in the several States to which they shall severally belong, but when inspected, mustered, and received into the service of the Confederate States, said troops shall be regarded in all respects as a part of the Army of the Confederate States, according to the terms of their respective enlistments."

It is distinctly declared that the appointment of the officers of companies, squadrons, battalions, and regiments shall be according to the law of the States from which they come. This may well be done if "in raising armies" Congress can constitutionally authorize the reception of organized companies, battalions, and regiments as well as the enlistment of single individuals. As Congress is unrestricted in this respect in the mode of raising armies, I have no doubt this can be done. But when such troops are received into the service of the Confederate States and are then to be regarded in all respects as a part of the Army of the Confederate States, the mode for the appointment of officers declared in the Constitution must prevail.

The officers afterward appointed for the companies, battalions, and regiments are officers of the Confederate States. The Constitution, in the second clause of second section, second article, declares that the President "shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the Confederate States whose appointments are not otherwise provided for and which shall be established by law. But Congress may by law vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of the Departments."

When these troops became a part of the Army of the Confederate States, Congress not having vested the appointment of the officers in

the President alone, or otherwise provided for such appointment, the vacancies can only be filled by the President's nomination and appointment by and with the advice and consent of the Senate, as provided in the ninth section of the act "For the establishment and organization of the Army of the Confederate States."

CONFEDERATE STATES OF AMERICA, POST-OFFICE DEPT.,
Richmond, September 17, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The inclosed papers are respectfully returned.

The only class of persons in the service of this Department which should make any noteworthy deduction from the military force is the mail contractors and drivers of post-coaches and hacks, who are exempted under the law of April 14, 1863. The whole number of mail contractors in the Confederate States on the 7th of December, 1863, was 1,253. Of these, those in the States of Tennessee, Alabama, Mississippi, Louisiana, Arkansas, and Texas entered into contracts in the spring of the year 1862, before the passage of the first law of conscription, up to which time such contracts were not sought to secure exemption, and from the 23d of September, 1862, the date of the approval of the first law of conscription, to the 14th of April, 1863, the date of the law exempting contractors and drivers, these classes were liable to enrollment in the Army. The time for the receipt of bids for contracts in the remaining States, Virginia, North Carolina, South Carolina, Georgia, and Florida, terminated on the 1st of May, 1863, so soon after the passage of the law of April 14 as to prevent the publication and notice of the existence of this law in considerable portions of these States, so as to enable parties to make bids in view of it. From these facts I infer that the number of persons who originally submitted bids to keep out of the military service cannot be large; and I am sustained in this view by the fact that up to the 7th of December last but 147 contracts had been let to persons for nominal considerations.

One hundred and five additional contracts at nominal rates have been made since that date in cases when existing contractors have been put into the military service, or for other reasons have abandoned the postal service. I cannot tell the number of persons engaged as mail contractors who would otherwise be liable to military service, but suppose it cannot at most exceed 500, and it may fall much below that number. And I do not think the number exempted as drivers can be as great as the number of exempt contractors on account of the very limited number of routes on which the mails are carried in coaches or hacks.

It is a question of policy whether the legislation on this subject should be so changed as to disallow these exemptions. I have supposed that to do so with our present currency would render it impracticable to keep up the postal service, and that it would be better to spare the number of men necessary from the Army than to let it go down, or become so embarrassed as to produce discontent in the Army and country by rendering the ordinary means of postal communication impracticable. I fear that the loss of the means of such

communication would cause more men to desert in a short time than are required to keep the service up. But if you think it best to take the views of the President and Cabinet on this question, and they should think differently, I will do all I can to keep up the service without the aid of exempts.

In this connection I beg to call your attention to the portion of my report of December 7, 1863, above referred to, extending from page 6 to 10, under the head of "Contract Bureau," herewith inclosed,* from which you will perceive that the Department was unable to obtain bids for contracts to carry on the postal service without exemption to the contractors from military service.

There should be no diminution from the military force on account of postmasters. Those postmasters not appointed by the President and confirmed by the Senate are not exempt, and the number appointed by the President does not exceed 100, and of this class he has steadily refused to appoint persons liable to military service. So that if the enrolling officers do their duty little or nothing can be lost to the Army by postmasters.

There are a few clerks in the larger class of post-offices whom it has been very desirable for the Department to retain on account of their special knowledge and experience. But I believe in an indorsement I sent you some time past I suggested that some thirty-five of these would cover all I thought indispensable, and even these we might after a little be able to dispense with if the postmasters can be induced to proper vigilance in instructing others.

There may be a few route agents in the service of this Department who would be liable to military service, but the number is very small, if there are any, as I have refused to appoint any one to these duties who is liable to military service since the passage of the first law of conscription.

I desire no exemptions for this Department which it is practicable to get along without, and you shall have my cheerful co-operation in everything which will augment our armies.

The case of Leftwich, of this city, referred to by General Lee, arose out of a recent contract on a route extending from Macon to Monticello, Ga. (not Alabama), forty-five miles in length. The former contractor was arrested and put into the military service contrary to law. The route was one of such importance that the postmasters on it and the special agent of the Department requested a renewal of the service, and it was readvertised on the 16th of March, 1864, and Leftwich being the lowest bidder, the contract was awarded to him on the 27th of May, 1864, for a merely nominal consideration, and I am informed it is costing him at the rate of $6,000 a year to have the service performed.

In relation to the other case mentioned by General Lee, I would say that the post-office at Mechanicsville, in Louisa County, Va., is what we call a special office, and this Department makes no contracts with carriers to supply that class of offices with mails. It merely consents to give so much out of the proceeds of the office for supplying it with the mails, and the carriers having no contracts are not exempt from military service, so that the carrier who supplies the Mechanicsville office is not exempt from military service on that account.

This Department is not even furnished with the names of such carriers except as they come to the Auditor's Office from quarter to quar-

* Omitted.

ter. From the last return in the Auditor's Office the name of the carrier who supplies the office at Mechanicsville is James M. Michie.

Very respectfully, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

[Inclosure No. 1.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
September 7, 1864.

Capt. H. C. THORBURN:

You will obey the writ in the case of Thomas Vaden and proceed with him on to-morrow morning's train to Richmond. You will see Mr. Aylett and report the facts to him.

As I understand the matter Thomas Vaden since his enlistment has been elected justice of the peace for Chesterfield County and on this bases his claim to a discharge from service. There is no provision of law requiring discharge in such a case. The act of Congress approved 17th of February, 1864, provides for the exemption of such State officers as the Governor of a State shall certify to be necessary for the proper administration of the State government. This, however, does not operate to discharge from the service those already enlisted. It is not that there shall be discharged from service those whom the Governor of a State may deem necessary for the proper administration of the government, but that all such shall be exempt from enrollment, &c.; that is, of course, those not in the service at the time of the passage of the bill. This man Vaden is clearly liable to perform service in his present company during the war by the requirements of the second section of the bill published in General Orders, No. 26, Adjutant and Inspector General's Office, current series.

By a law of Congress, published in General Orders, No. 48, Adjutant and Inspector General's Office, of 1863, it is obligatory upon the Department to accept the resignation of officers and to discharge enlisted men when elected to certain positions in the civil government. It does not, however, relate to the case under discussion. Justices of the peace are not enumerated in the list of offices in the law referred to.

By previous laws a Senator or a Representative, &c., was exempt from service; but those laws did not discharge a man from the service who was elected to fill the position of Senator or Representative. It was therefore necessary to make this special enactment (General Orders, No. 48, 1863) requiring discharge from service under such circumstances. So it will be necessary to enact a bill to require the discharge of those elected justices of the peace before the claim of Vaden can be pronounced valid.

The Secretary of War had previously decided many similar cases adversely to the applicants (see that of H. D. Stevens, Company D, Fifteenth Virginia Infantry, by indorsement of J. A. Campbell, Assistant Secretary of War, 20th of August, 1864). You will on your return report the decision of the court.

By order of General Lee:

W. H. TAYLOR,
Assistant Adjutant-General.

[Inclosure No. 2.]

QUARTERMASTER'S OFFICE,
ORDNANCE AND COMMISSARY TRAIN, ARTY., THIRD CORPS,
September 9, 1864.

Lieut. Col. W. H. TAYLOR,
Asst. Adjt. Gen., Army of Northern Virginia:

SIR: In obedience to your order of the 7th instant I went to Richmond yesterday in the habeas corpus case of Thomas Vaden, jr., and in the absence of Mr. Aylett presented your letter of instructions to Messrs. Sands and Neeson, who were acting in his place, and stated to them all the facts in my knowledge with regard to the case. They informed me that several similar cases have been decided in favor of the applicants for discharge after having been fully argued by Colonel August and Mr. Neeson, and that an appeal had been taken to the court of appeals. After a hearing in the case of Vaden the judge decided to discharge him from the service. An appeal will also be taken in his case.

I was accompanied to Richmond by Lieutenant Fry, of Utterback's battery, the company to which Vaden belonged, who gave all the assistance in his power in protecting the interests of the Government in this case.

I have the honor to be, major, with much respect, your obedient servant,

H. C. THORBURN,
Captain and Assistant Quartermaster.

[Indorsement.]

GENERAL: A man claims discharge having been elected justice of the peace. Judge Meredith issues writ of habeas corpus and discharges him. I can see no provision of law for it. Plenty of your able-bodied fellows will be elected magistrates and thus get out of service. With enrolling officers to exempt and detail and judges to discharge we are in a sad way.

W. H. T.

[Inclosure No. 3.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
September 10, 1864.

Honorable SECRETARY OF WAR,
Richmond:

SIR: I have the honor to call your attention to the inclosed papers* with the hope that something may be done to correct the evil they disclose. The drain upon the strength of the Army by exemption of civil officers, postmasters, clerks, and mail carriers, added to the details made for other purposes, is more than it can bear. I suppose there is no remedy for this particular case but a reversal of the decision of Judge Meredith, or if that failed, a change of the law. If that be necessary I trust you will bring it to the attention of Congress at its next meeting. A large number of able-bodied men are taken from the Army or kept out of it as mail contractors. In many instances these contracts are made for the sole purpose of evading service in the Army.

The case of one Leftwich, of Richmond, has been reported to me as a flagrant instance of this kind. He has a contract to convey the

*See inclosures Nos. 1 and 2, next, *ante*.

mails on an unimportant route in Alabama. He resides in Richmond, where he is carrying on his business, and has never seen his route, as I am informed. Yet the court discharged him. I cannot believe that there was any necessity for the award of this contract to Leftwich, and have no doubt that the Post-Office Department was imposed upon.

Another instance has been reported to me of a young man in Louisa County, whose name I cannot now recall, but who obtained a contract to carry the mail from the obscure post-office of Mechanicsville, near Gordonsville, and was discharged the service. He is the son of wealthy parents, and I am told remains at home and employs some one else to carry the mail. I suppose it is in the power of the Post-Office Department to prevent these abuses and even to annul such fraudulent contracts where they exist. Perhaps if the attention of the Postmaster-General were called to the subject some slight increase of our depleted ranks might be secured.

I am constrained to say that while it is important that all the interests of the people should be regarded by the Government their preservation from subjugation is the greatest of all, and in my opinion the emergency requires the sacrifice of every other consideration to the vital question of the public safety.

Very respectfully, your obedient servant,

R. E. LEE.

[Indorsement.]

SEPTEMBER 14, 1864.

Respectfully submitted for the consideration of the Honorable Postmaster-General, whose particular attention is invoked at the suggestion of General Lee to the within earnest letter of that distinguished general, to a matter perhaps within the power of the Honorable Postmaster-General to correct.

J. A. SEDDON.

SPECIAL ORDERS, No. 221. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, September 17, 1864.*

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VII. Maj. Theophilus Steele, of Seventh Kentucky Cavalry, is assigned to duty with Col. R. J. Breckinridge, Provisional Army, C. S., for recruiting service in Kentucky, and will report accordingly.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 17, 1864.

Whereas, by the will of George Mendenhall, of North Carolina, lately deceased, which has been established in the supreme court of North Carolina, certain slaves were emancipated upon the condition that they be removed from that State beyond the Confederate States; and whereas, the executrix has applied for license to remove fourteen slaves mentioned and comprehended in the said will, viz, Abram, aged sixty or sixty-five; his wife, aged fifty, and their children, Frank and

Comelia; Jacob and his wife, aged about fifty, and their daughter, Louisa, and Abney Anderson and his wife; Jupiter, Perry, and Adam, and the wife of Perry:

Permission is given for the removal of these persons from North Carolina to the lines of the United States whenever it can be done with the sanction of the military commander through whose lines they are to pass.

This permission to remain in force until the 1st of January next.

By order of Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

SEPTEMBER 21, 1864.

MEMORANDUM.—Mrs. Mendenhall, in addition to the colored persons mentioned in the passport heretofore given at this Department, may send to the United States the woman, Amy Allston, under similar conditions as are expressed in the passport before referred to.

By order of Secretary of War:

J. A. CAMPBELL,
Assistant Secretary of War.

SANDY GROVE, NEAR BARTOW POST-OFFICE, GA.,
September 18, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

DEAR SIR: Yours of the 5th instant, improperly mailed to Milledgeville, was forwarded to me and received yesterday. I feel very deeply the importance of the object which it seeks to accomplish, and would gladly do anything in my power to aid you. But, my dear sir, it is useless to make an effort to induce the people generally to part with their surplus at schedule prices. Wheat is worth in all our markets from $15 to $25 and $30 per bushel; corn, $10 to $15, and bacon, $3.50 to $4 per pound. Compared with these figures the schedule prices are simply absurd. I have known for weeks that you could not get supplies in Georgia in sufficient quantities at these prices, and several weeks ago I addressed a letter * to the Secretary of the Treasury, which I authorized him to show you. If you have not seen it I would be glad if you would call on him for it. It will put you fully in possession of my poor opinions on this subject. My opinion is that you should entirely disregard the schedule prices and authorize your agents to buy supplies at any price, and should the planters refuse to sell impress peremptorily at prices approximating the market value. It is idle to expect to feed our armies at the prices fixed by commissioners. It is wrong in principle and policy to compel citizens to part with their property at mere nominal rates. It will discourage production to a fatal degree and produce deep and widespread discontent toward the Government. Our producing territory is now so circumscribed that it will require great skill and industry to compel it to yield the requisite supplies under the most stimulating encouragement of remunerating prices. It will utterly fail to do so if the planters feel that they are to pay heavy taxes, State and Confederate, whilst the earnings of their labor are to be wrested from them at prices which will not remunerate.

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*See Johnson to Trenholm August 16, p. 594.

I know that the reply to all this is that it will swell the public debt to a ruinous figure. Not so. The Government has the power of taxation. It can bring back to the Treasury what it disburses. And at last the great means of sustaining the currency is by adopting such legislation as will create a demand for it. High taxation will do this. Nothing else will. High prices will justify as well as necessitate high taxes. The right of impressment is unquestionable; but it should not be resorted to except from necessity. Nor should the Government pursue a course which creates that necessity. The policy of maximums will always create and continue that necessity. Impressment should be resorted to when the citizens refuse to sell for just compensation; that is, he should be compelled to sell, but beyond that the Government should not go. It should not compel sale at a price fixed far below the market value. It can impress, but it has no right to fix prices. The Constitution declares that compensation should be just. Is it just to take wheat and corn and bacon at schedule prices when these articles in market will readily command twice as much? I repeat, I would advise the abandonment of this whole schedule arrangement. I would impress provisions in every case where the planter refused to sell at market value. Do this and you will feed the armies, the people will be contented, and if the expenditure is great bring it back by taxation. Create a demand for Confederate money and it will appreciate. Keep down redundancy by the joint operation of taxation and the sale of bonds. I throw out these suggestions in no spirit of complaint. You know I am a friend to the Administration, and I trust I feel an honest and deep interest in the success of our struggle. It is far beyond dollars and cents. As a citizen, I am willing to submit to any sacrifice, as are thousands of others, but in what I have said I am prompted by a deep conviction that it is for the public good. Let not the Government stop to count dollars and cents when our existence is at stake. Feed the Army at any price. It will be part of the price of liberty. The people will pay the debt. If they refuse the Government will be free from censure, and they will but prove unworthy the boon of independence and good government. This can never be.

I have the honor to be, most respectfully, your obedient servant,

HERSCHEL V. JOHNSON.

[First indorsement.]

SEPTEMBER 26, 1864.

Respectfully referred to the Honorable Secretary of the Treasury.

I dissent in toto, but submit for consideration and as an indication of the sentiment in Georgia.

J. A. S.,
Secretary.

[Second indorsement.]

SEPTEMBER 29, 1864.

Respectfully returned to the Honorable Secretary of War with thanks, and accompanied by the letter referred to by Hon. Mr. Johnson.* This was answered on the 8th September, but no copy was kept of the reply.

G. A. TRENHOLM,
Secretary of the Treasury.

*See Johnson to Trenholm August 16, p. 594.

GREENVILLE, *September 18, 1864.*

Hon. G. A. TRENHOLM,
Richmond, Va.:

DEAR SIR: Should it be deemed desirable, I could aid the Government to prepare and keep open a new port or ports which it would tax the powers of any enemy to take from us or to close. To do this would require fewer men and less means than are necessary for the defense of any of our ports with which I am acquainted. Quality more than quantity would be required, and many a man not fit for general field service would be just the man for this work.

If our military authorities wish, I will go to Richmond; should my thoughts be favorably considered, they could then use me, or others, to carry out the plan. I may also be of some service otherwise to General Bragg, for since I lost my regiment at the reorganization I have examined much of our coast and the interior of our State, also the mountain region above us, all of which may form but a part of one whole in the coming defense of our country against Sherman.

You may know little of me as a military man, but if you think it worth while to bring this to the consideration of General Bragg you can say that I served in Florida on the staff of a West Point graduate in 1836, and from that time to this I have studied as one does for a profession, and this with no view to personal ends, but that I might serve my country. If General Bragg knows that more than ten years ago I so interested Captain Cullum and Mr. Boutelle as to get them to examine with me the entire grounds and waters around Charleston with a view to their defense, he will understand that I must have had some thoughts on such subjects.

As Colonel Harris (engineer) has been with me several times over ground that I have studied, he can say whether it may be worth the time of General Bragg (and I know what his time is worth) to listen to my proposition.

General Gilmer has also been with me over ground that I had devoted much attention to (the Edisto and Branchville country), and he can say what he thinks. Colonel Gorgas, of the Ordnance, knew me in Charleston, and may have an opinion. I only mention these things that you may not be required to say anything for me which you do not yourself know.

You can, I think, say that I am honest and earnest, and I say that I want nothing from the Government, but only seek to aid it.

Yours, very respectfully,

LEWIS M. HATCH,
For the present, Greenville, S. C.

If they want to see me, and you do not deem it indelicate, you might ask for such an order as would give me transportation. I would pay my other expenses; but in this as you think best.

[Indorsement.]

SEPTEMBER 24, 1864.

Respectfully referred to General Bragg. Colonel Hatch is a gentleman of much practical knowledge in the matter to which his letter relates, and of great energy and perseverance.

G. A. TRENHOLM.

I think he ought to have stated where the ports are to which he refers.

CONSCRIPT OFFICE,
Richmond, September 19, 1864.

Capt. C. B. DUFFIELD,
Assistant Adjutant-General, Bureau of Conscription:

CAPTAIN: The orders for the enrollment and assignment of free negroes have been carried out as effectually as could be done under the circumstances. Many deserted and otherwise evaded the officers. This class, like absconding men from the Army and those liable to conscription, required to be forced into service by an active and efficient guard. General Orders, No. 26, current series, has withdrawn all the assistance which could be relied on, and not one in twenty "light-duty" men can be made efficient as a guard. These remarks are made preliminary to a report which I desire to submit upon several communications referred to this office recently, but which will be returned with report and explanation for the information of the several military bureaus.

For the want of efficient and informed officers and the required number of clerks, reports and consolidated returns cannot be made as promptly as desired, and for that reason it will be some time before a complete return of the enrollment and assignment of free negroes is made; but the Bureau is assured that no time will be spared in forwarding promptly all the returns due from this office. Upon a general examination of the returns of the enrolling officers it is manifest that all the labor of this class which could well be has been withdrawn from the agricultural districts.

The Niter and Mining Bureau desires every one that can be found. Colonel Corley, chief quartermaster Army of Northern Virginia, calls for 500, and the Engineer Bureau makes a requisition for a large force on the line of the Richmond and Danville and the South Side Railroads. General Walker, commanding the defenses on the Richmond and Danville Railroad, also calls for assistance from this class. The officers of the Quartermaster's Department collecting forage in the Valley have received assistance, but are demanding more. Maj. J. G. Paxton, in charge of extensive operations for the Quartermaster's Department at Lynchburg and in the Piedmont counties, is asking for aid. All the demands are pressing and of the most vital importance, and the number required by the officers making the requisitions for them approximates, if it does not exceed, the whole number of free negroes within the military lines of the prescribed ages. I have deemed it advisable to submit these facts, in order that the Bureau may be informed of the impossibility of supplying the existing demands, and I would further respectfully suggest, if it meets the approbation of the superintendent, that the statements herein contained may be submitted to the War Department or the bureaus requiring the labor. I have already replied to General Walker and to the local quartermasters, but suppose the Engineer Bureau and the chief quartermaster of the Army of Northern Virginia are not informed.

Enrolling officers will be instructed to continue without any abatement of zeal or effort to forward every man of every class for duty, but I regret to say, for the want of responsible guards, I am apprehensive many will elude their vigilance.

Attention is respectfully invited to the inclosed copy of circular issued from this office September 7, requiring full and accurate returns from enrolling officers of the disposition made of this class of

[Inclosure No. 5.]

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., September 14, 1864.

Hon. J. A. SEDDON,
Secretary of War, Richmond:

SIR: I have the honor to make the following statement and recommendations thereon for your consideration and action:

Capt. W. G. Bender, Engineers, in charge of the defenses on the Richmond and Danville and South Side Railroads, reports great deficiency of labor on the works now progressing at and near the various bridges on those roads, and particularly on the fortifications at the High Bridge over the Appomattox River, and the Banister River bridge. At the former there are only some thirty negroes, all free, and with that force it would require four months to complete the works contemplated at that point. At the latter point there will be, after the 15th of the present month, only about twenty-five free negroes. This Bureau attaches much importance to the defensive works along that line of railroad, and would respectfully urge the necessity of pressing them forward to completion.

Captain Bender, the engineer in charge, is informed that there is a number of free negroes still in the counties adjoining the points to be fortified, and is very desirous of securing their services on the works. I therefore have the honor to request that the Bureau of Conscription be directed to conscribe for this purpose the free negroes liable to enrollment from nine counties named herein, and that they be assigned to labor as follows, to wit: Those from the counties of Appomattox, Prince Edward, Amelia, Buckingham, and Cumberland, to be ordered to report to Capt. W. G. Bender, Engineers, or to T. M. Hewitt, assistant engineer at High Bridge. Those from Charlotte, Lunenburg, Mecklenburg, and Halifax to report to Lieut. J. D. Hunter, Engineers, at Wolf Trap Station, Banister River. If the labor of the free negroes liable to conscription in those counties can be obtained it will, to a great extent, insure the speedy completion of the defenses at those points.

I would also respectfully request, should the foregoing meet your approval, that the enrolling officers who conscribe the free negroes be directed to furnish to each negro at the time of enrollment a descriptive list, filled out in the usual form; this is desired in order to obviate much difficulty which continually arises in determining the pay and allowances due to these negroes. It will enable the officer under whose charge they labor to give to each, when he is dismissed, a statement showing up to what time they have been paid and what allowances they have received, for the information of those under whom they may next serve; this list to be deposited in the hands of the officer in charge, to be returned by him at the expiration of time of service, with payments made and clothing issued indorsed on each.

Very respectfully, your obedient servant,

J. F. GILMER,
Major-General and Chief Engineer Bureau.

[First indorsement.]

SEPTEMBER 14, 1864.

CONSCRIPTION BUREAU:

The recommendations of this letter are approved and will be carried out. To every negro enrolled a descriptive list should be given by

the officer and he enjoined to keep it as necessary to enable him to receive his pay.

J. A. S.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, September 16, 1864.

Respectfully referred to Lieutenant-Colonel Shields for attention in compliance with the indorsement of the Secretary of War.

By order of General Preston:

THOMAS PINCKNEY,
Acting Assistant Adjutant-General.

[Third indorsement.]

CONSCRIPT OFFICE,
Richmond, September 20, 1864.

Respectfully returned to the Bureau of Conscription.

In a communication forwarded to the Bureau yesterday will be found all the information which can be given, and will enable General Gilmer to see that but a limited amount of labor can be procured from this class. The order of the Honorable Secretary of War has been communicated to the proper officers, as will appear by inclosures in the communication referred to.

J. C. SHIELDS,
Lieutenant-Colonel, Commanding.

HDQRS. ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Tallahassee, September 19, 1864.

His Excellency JOHN MILTON,
Governor of Florida:

SIR: I have the honor to report that there have been organized and commissioned thirty-nine companies of State troops, embracing an aggregate of 2,780 men. Of this number 1,450 are mounted and 1,330 infantry.

I have the honor to be, Governor, very respectfully, your obedient servant,

HUGH ARCHER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 19, 1864.

Maj. Gen. SAMUEL JONES,
Commanding, &c., Charleston, S. C.:

GENERAL: Your letter with regard to communications between yourself, the alleged Prussian consul, and General Foster, of the Federal Army, were referred to the Honorable Secretary of State, to whose cognizance the subject, as relating to foreigners, seemed most appropriately to belong.* After consideration he has addressed to the

*For other correspondence on this subject, see Series I, Vol. XXXV, Part II, pp. 242, 243, 264.

alleged consul a letter, of which I inclose a copy and to which I invite your attention.* Should any similar communication from the same party, or any other person representing himself as charged with consular powers from any neutral nation, be addressed to you, it would be advisable for you before replying, or in any manner impliedly acknowledging the relations, to refer the subject for information as to the authority of the party.

In reference to the foreigners who left Georgia under the orders of Governor Brown, it cannot be permitted that they should pass to or hold communication with the enemy. They are entitled and will be permitted to leave any of our ports for their own or any neutral country, but not to sail direct to the United States. It should be explained to them that the laws of war and of nations preclude such privileges as communicating with the enemy, and that whatever difficulties or expenses, beyond the ordinary fare of passage to neutral ports, are in no wise attributable to the action of our Government or authorities, but are due solely to the illegal blockade of the enemy and its toleration by neutral nations. As suggested by the Honorable Secretary of State, it may be well doubted whether the authority of the Governor of Georgia extended to the act of expulsion, and whether those parties having the privilege of free recourse to the courts were under the necessity of leaving their abodes in that State. Their condition, however, resulting from their yielding obedience to the mandate of the Governor excites sympathy and consideration. The Department will offer such ameliorations and relief as it can within the province of its powers. Any of these parties willing to take service as laborers and employés in the works of the Government may be employed at fair wages, and you are authorized to send such to the superintendents and workshops of the departments. Of course, as far as conveniently may be, you will prefer those within or nearest to your department. To others who may wish to go abroad passports and such facilities as can be consistently rendered will be given by you.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CIRCULAR LETTER.] RICHMOND, VA., *September 19, 1864.*

His Excellency M. L. BONHAM,
Governor of the State of South Carolina, Columbia:

SIR: I have the honor to call your attention to a matter of public interest, in which the harmony of action between the State and Confederate governments is essential to the public welfare.

In some of the States executive proclamations have been issued requiring all aliens within their limits to render military service or to depart from the State within a specified period. The language of these proclamations has been so general as to admit of no exceptions, and their effect has been in some instances to alarm alien mechanics and laborers employed in the Confederate workshops and factories, to induce them to abandon their employment, and to demand passports in order to return to their country.

Skilled workmen, experts in various mechanical pursuits, indispensable in the foundries, laboratories, arsenals, machine-shops, and

*Not found.

factories, have been engaged in Europe under contracts which guarantee to them immunity from the obligation of bearing arms, and many immigrants are now on their way to the Confederacy on the faith of these contracts.

It is not doubted that the Governors of the several States who have issued such proclamations entertained no intention of interfering with mechanics and workmen in the Confederate military service. Men who are employed in manufacturing and preparing munitions of war and military supplies are as effectively engaged in the defense of the country, and should be as free from interference by the State authorities as the soldiers in the field. But the failure to indicate in the proclamations already issued that such men as are thus employed in the Confederate service are not intended to be embraced within the terms of the proclamation has already given rise to the abandonment of work indispensable to the Army.

I have therefore respectfully to request that in all cases where such proclamations have been or may hereafter be issued, the necessary notice be given that they do not apply to this class of aliens.

In addressing to you this communication it is my purpose carefully to avoid raising any question that could produce a conflict between the General and State governments, and I therefore refrain from the expression of an opinion on the constitutionality of such exercise of power as is involved in these proclamations. It may not, however, be improper to invoke your consideration of the policy of banishing from our country at a time when the services of every man are particularly valuable such aliens as have not acquired the residence which would subject them to military service, but who are willing to serve their country as artisans during the war. It is plain that the labor of all such as are usefully employed in the Confederate workshops, factories, and laboratories must be performed by some one, and if these undomiciled foreigners are driven away their places must be supplied (if indeed they could be supplied at all) by men detailed from the Army; and the action of the State authorities would thus result in an effect precisely the reverse from that intended by them; it would diminish instead of increasing the strength of the armies. Those aliens even who are laboring elsewhere than in the service of the Government are efficiently aiding our cause by services of great value in furnishing to our people many necessary articles, such as shoes, clothing, machinery, agricultural implements, and the like, which it is now so difficult to obtain from abroad.

It is submitted that sound policy would require us to encourage during the war rather than prohibit the residence of such persons among us, even though they are not available for service in the field.

I am, sir, very respectfully, your obedient servant,

JEFFERSON DAVIS.

(Same to Governor Vance, of North Carolina; Watts, of Alabama; Brown, of Georgia; Smith, of Virginia, and Milton, of Florida.)

EXECUTIVE DEPARTMENT, STATE OF NORTH CAROLINA,
Raleigh, September 19, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: The State of North Carolina has contracts with nearly all the cotton and woolen mills within her borders for a certain per cent.

of their productions. I have imported material and machinery for them, and so far have supplied our troops with their fabrics at half the price paid by Confederate agents. General Lawton has, however, conceived the idea that the whole business of this State supplying her own troops must be broken up, no doubt for the reason that it is done better and cheaper than it could be done by him. Accordingly, details for hands in the factories have been refused and they are being sent to camp, unless they will break their contracts with the State and enter into others with General Lawton. I am in receipt of a letter announcing the suspension of an extensive factory this morning for that cause.

I presume from the way in which I was treated about running the blockade, and the many impediments thrown in the way of the State quartermaster's department generally, that General Lawton's attempt to seize the whole business receives the countenance of the Confederate Administration. If so, I would be glad to have it honestly avowed. If the Confederate and State governments are reduced to the disreputable position of scheming against each other and of oppressing whenever one may happen to have the power over the other, I want to understand it when my time comes.

North Carolina long ago made a contract with the Confederate States to furnish her own troops in the field, and to enable her to do this it was agreed that her own resources should be surrendered to her own agents. Notwithstanding, this was immediately disregarded and we have had to contend with Confederate agents in every market for every article, yet it is our boast and pride that we have nobly fulfilled the contract. It does not suit our convenience or notions of duty toward our soldiers to surrender everything now to Mr. Lawton and allow him to seize our mills by force after all that we have done to keep them up; nor have we ever refused to loan the surplus to the Confederate States after supplying our own troops.

I will not undertake to show the impolicy of such a course, the millions saved the Confederacy by the enterprise of the State, the comfort added to the hard lot of our soldiers, nor any considerations of that character.

But I beg you to pause before permitting General Lawton to oust North Carolina of her resources to clothe her troops in this manner. It will not be submitted to by,

Very respectfully, your obedient servant,

Z. B. VANCE.

[Indorsement.]

SEPTEMBER 23, 1864.

Referred to the Quartermaster-General for consideration and report on this extraordinary letter.

J. A. SEDDON,
Secretary.

[SEPTEMBER 21, 1864.—For Special Orders, No. 224 (paragraph XLII), Adjutant and Inspector General's Office, directing the impressment of 5,000 slaves in the State of Virginia for service in the Army of Northern Virginia for the term of thirty days, see Series I, Vol. XLII, Part II, p. 1268.]

RICHMOND, *September 21, 1864.*

COLIN J. MCRAE,
Paris:

At the instance of the Secretary of the Treasury estimates have recently been submitted of the wants of the various bureaus abroad in sterling for a period of six months. After crediting on the estimate of this Bureau what it was thought could reasonably be expected under existing contracts, there remained the sum of £395,000. For this it is understood a warrant will issue in your favor, by which the funds will be made available as they may accumulate, through the sales of cotton, or bonds, or from any other sources. In this connection I can only commend Major Ferguson and the important interests of this department to a continuance of the favorable regard you have extended to both in the past. The diminished resources of the country make this department more than ever dependent upon the foreign supply, especially in connection with the articles of leather, stationery, and woolen materials of every description, all of which are required by this branch of the service in large quantities. I have also instructed Major Ferguson in regard to machinery required for the manufacture of blankets and field transportation. I doubt not that the Treasury Department, aided by the arrangement recently effected by you with Collie & Co., will be able to meet this foreign demand.

Major Waller has been instructed to suspend further purchases in the islands. Major Ferguson, it is thought, can buy to more advantage in the English market, especially on the score of quality. Owing to recent charges and the division of the proceeds of cotton to you, Major Waller is now heavily in debt and without any expectation of payment save through you. He probably owes over £30,000, exclusive of his purchases from Mr. Austin, for which he was authorized by you to draw at four months. I have instructed him to report the exact amount to you, and I must ask, out of a fair regard for the credit of the Government, that you extend to him all the facilities in your power to close up these old transactions. Some of the creditors are already a little impatient.

Should Mr. Sharp require some £500 more to complete his purchases please let him have it.

The Davis and Fitzhugh contract expires at an early day. In the meantime the deliveries will be subjected to a careful inspection. Can you arrange in any way to secure an inspection in England by Major Ferguson? I much prefer deliveries under the Rosenberg contract, and hope that they may not be superseded by the supposed advantages of the Davis and Fitzhugh contract. It was not contemplated that this department should be charged with the pay, &c., of officers abroad, as no provision was made for the payment; still, a warrant is forwarded to you at your request for £839 11s. 4d. to close your account.

A. R. LAWTON,
Quartermaster-General.

RICHMOND, *September 21, 1864.*

Maj. J. B. FERGUSON,
Quartermaster:
(Care Fraser, Trenholm & Co., Liverpool.)

SIR: Major Waller has just been directed to suspend purchases in the islands. As all the funds now provided by the Treasury Department are realized through Mr. McRae, it is preferred that you should expend the same, as every assurance is felt that you will be able in dealing with the manufacturers themselves to purchase better material and at lower prices. Provision, however, will have to be made for Major Waller's debts, amounting, it is thought, to over £30,000. For this he must look to Mr. McRae, and you will please give him any assistance in your power to close up the past. You ask that cotton may be shipped to you, so that you may realize on the same through the firm of Gilliat & Co. All shipments on account of the bureaus separately have ceased. All cotton now goes out on account of the Treasury Department and the proceeds pass to the credit of Mr. McRae.

At the instance of the Secretary of the Treasury the several bureaus submitted estimates showing their wants in sterling for six months. The estimate of this department, after crediting the yield of existing contracts, was £395,000. It is understood that a warrant will issue for that amount in favor of Mr. McRae, by which the fund will be made available to you, as money may be realized by the sale of cotton or of bonds or from any other source.

You will continue to press forward your purchases as rapidly as possible. Should you experience no disappointment in the receipt of funds you will purchase liberally of material for officers' uniforms, of stationery, and leather. Let the last be of the very best quality, and include harness, upper, and sole. You need not contract for blue cloth for pants, as the gray makes up to more advantage. You had also better purchase woolen cloths, or flannels, or felt hats in lieu of socks, as we can manufacture the latter from cotton yarn. A cheap and serviceable felt hat would be very acceptable to the Army. In other respects you are fully advised as to its winter wants, and will continue to purchase and ship, as heretofore, of the best quality of blankets, bluchers, and gray cloths, with a fair proportion of trimming.

Should Mr. Sharp require more funds to complete his purchases, aid him in getting the same from Mr. McRae. The latter advises that you have received all of the warrant sent you for £85,000.

What about the cotton sent to Major Huse by the Thorburn line?

A. R. LAWTON,
Quartermaster-General.

RICHMOND, *September 21, 1864.*

Maj. R. P. WALLER,
Saint George, Bermuda:

SIR: I have just written to you fully in regard to suspending further purchases in the islands, and the provision made for the payment of your present indebtedness at Nassau. I think it advisable to be more explicit on one point. Do not on the authority received from Mr. McRae purchase further of the stock held by Mr. Samuel Austin. I was willing at one time to take the whole lot, valued at some £40,000, payable in cotton, but if they are to be paid for by Mr. McRae in

sterling, I much prefer to leave the expenditure of all such means to Major Ferguson. Major Cameron, at Wilmington, has occasion to inspect at times supplies delivered under the "Davis and Fitzhugh contract." Most if not all their deliveries have been purchased in the islands. Please send to Major Cameron some samples of the goods those markets afford, with advices from time to time as to the prices current; it will aid his judgment. Any special information you may glean touching purchases under that contract will be acceptable.

Did you ever purchase in Nassau all the articles on the list carried out by Mr. Thomas Sharp, which you assumed to purchase, and for which purpose the sum of £500 was retained by you out of his draft? If not, inform that he may provide the same.

Recent occurrences make unnecessary any instructions in regard to shipments via and from Havana to Mobile. In shipping to Wilmington do all you can to secure first-class vessels in point of speed and reliable management, as that goes far to insure the cargoes. The heavy shipment made by you in the steamer Owl arrived safely and is now in quarantine at Wilmington.

There can be no risk in sending forward your accounts, as you hold quadruplicate vouchers. In regard to your own account, about which you inquire, you can charge that up for the time you have been in the islands, with commutation for quarters and fuel at the rates prescribed by the Secretary of War. Sea transportation to Nassau you can charge up at its actual cost to you in gold.

Please report at an early day to what extent and on what terms leather of the best quality, harness, upper, and sole, can be purchased in the islands. It is thought it may be drawn advantageously from Nova Scotia. How will that market compare with the European?

A. R. LAWTON,
Quartermaster-General.

GENERAL ORDERS, No. 73. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., September 22, 1864.*

I. The generals of reserves will hereafter control the enrolling officers and conduct the business of conscription and enrollment in their respective States, under the direction of the Secretary of War, through the Conscript Bureau.

II. Commandants of conscripts and of camps of instruction will be under the direction of the generals of reserves.

III. As soon as practicable all officers and men now employed in the enrolling service, whether as enrolling officers, conscript guards, clerks, or otherwise, except such as are retired or assigned to light duty by the medical boards, will be relieved by details from the reserve forces and sent to the field.

IV. All applications for exemption and detail will be transmitted, through the generals of reserves, to the superintendent of the Bureau of Conscription for decision. The office of Congressional district enrolling officer is abolished, and communications from local enrolling officers will be transmitted through the commandants of conscripts to the generals of reserves. An officer may be assigned to duty in each Congressional district by the generals of reserves as inspector of conscription.

V. The reports required to be furnished the Bureau of Conscription by paragraph X, General Orders, No. 57, Adjutant and

Inspector General's Office, current series, are often defective and incomplete—failing to give the county in which the man resides, where it is supposed he may be found, or such other information as may lead to his prompt arrest. The attention of regimental and company officers is especially directed to the terms of that order and their compliance therewith required. Only those men who have deserted or are absent from their commands without proper authority should be reported, and when all men so absent have been reported, it will be only necessary to report those who subsequently absent themselves, until a return of the action taken by the enrolling officer is received, by the officer reporting such desertion or absence.

VI. Paragraph II, General Orders, No. 67, current series, is amended by striking out the words "will not be molested without a special order," and inserting the following language, "will be allowed to retain it on showing such right."

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 225. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, September 22, 1864.*

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III. The ten companies composing the organization known as Pickett's regiment Alabama cavalry, Roddey's command, will constitute the Tenth Regiment Alabama Cavalry, the field officers of which will be appointed by the War Department.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

C. S. ARMORY, *Richmond, September 22, 1864.*

Col. J. GORGAS,
Chief of Ordnance:

COLONEL: I beg to present for your information a list of rifle muskets manufactured North, and their places of manufacture:

Springfield U. S. rifle, manufactured at Springfield, Mass.
Philadelphia U. S. rifle, manufactured at Philadelphia, Pa.
Bridesburg U. S. rifle, manufactured at Bridesburg, Pa.
Park, Snow & Co. U. S. rifle, manufactured at Meriden, Conn.
Colt U. S. rifle, manufactured at Hartford, Conn.
Whitney U. S. rifle, manufactured at Whitneyville, Conn.
Wm. Muir & Co. U. S. rifle, manufactured at Windsor Locks, Conn.
Norwich U. S. rifle, manufactured at Norwich, Conn.
L. G. & Y. U. S. rifle, manufactured at Windsor, Vt.
Providence Tool Company U. S. rifle, manufactured at Providence, R. I.
E. Robinson U. S. rifle, manufactured at New York.
U. A. Co. U. S. rifle, manufactured at New York.
Remington U. S. rifle, manufactured at Ilion, N. Y.
Watertown U. S. rifle, manufactured at Watertown, Mass.

Wm. Mason U. S. rifle, manufactured at Taunton, Mass.
Eagleville Company U. S. rifle, manufactured at place not known.
Norfolk U. S. rifle, manufactured at Norfolk, Va.

Among the old arms received in this armory for repairs during the current month I have noticed the above arms from a variety of manufacturing establishments, all of them made after the U. S. '55 model and all interchanging with the Richmond rifle musket except in lock-plate and mainspring, which have been altered in the Northern arms.

I suppose there are in the North (including breech-loading) not less than thirty-eight armories, all on a large scale, and their total product probably will not fall short of 5,000 arms per day.

I am, colonel, your very obedient servant,

S. ADAMS,
Master Armorer.

[First indorsement.]

OCTOBER 16, 1864.

Respectfully forwarded to the President for notice.

This paper exhibits a most marked contrast to our own condition in this respect. We are not making an average of 100 arms per day in the Confederacy, though we have machinery enough to make 300 (including pistols), and would soon have the workmen if they could remain undisturbed.

I cannot help thinking that the policy of the War Department ought to be modified so far as to appropriate to this duty 500 or 600 men liable to military duty. This, with the exempts, would form a sufficient force. It would be necessary to relieve them from all military duty and attach them permanently to this duty.

J. GORGAS,
Chief of Ordnance.

[Second indorsement.]

OCTOBER 18, 1864.

Secretary of War for examination and report.*

J. D.

SPECIAL ORDERS, No. 226. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, September 23, 1864.*

* * * * * * *

XXIV. The Third Battalion Local Defense Troops having been increased to ten companies, will from this day be known as the Third Regiment Local Defense Troops.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

COLLECTOR'S OFFICE, DISTRICT OF NEW ORLEANS,
Tangipahoa, La., September 23, 1864.

Hon. G. A. TRENHOLM,
Secretary of the Treasury, Richmond, Va.:

SIR: I have the honor to acknowledge receipt of your letter of instruction of the 12th ultimo, together with the letter of A. G.

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* In this connection see Special Orders, No. 228 (paragraph IV), Adjutant and Inspector General's Office, Series I, Vol. XLII, Part II, p. 1293.

Semmes, to which my special attention was directed. Although the Government appears to be indebted for the information contained in the letter of Mr. S. to his failure in procuring one of the lucrative contracts to which he refers, and though the forces cited were imperfectly understood and stated, the latter expresses the general complaint and dissatisfaction of those who from loyalty or inability have not participated in this contraband traffic. This population may be divided into three classes: Those who have been directly or indirectly concerned in this trade; those who desire to do so, but are unable, and those who abstain from considerations of loyalty and respect for law, the latter being an honored but almost invisible minority. In my correspondence with the Department for nearly two years past I have repeatedly and more explicitly stated all these facts. In the note referring the letter of Mr. Semmes to you, Mr. Seddon remarks:

> Probably the best mode of preventing the trade would be to establish along the military frontier collecting districts, and to instruct the collectors to exert all their powers to prohibit the trade and to call upon the military for assistance.

The first suggestion is impracticable, because it implies the establishment of a line of pickets by this department on the whole frontier. The second is precisely what I have been aiming to do—that is, making the military pickets auxiliary to this department, but which it will require an order from the Secretary of War direct to put in practice. I have from the beginning called upon the military to do this without effect.

In regard to the disposal of the cotton belonging to the Government I know of none in this locality, and being ignorant of its wants or policy I do not feel warranted in expressing any opinion entitled to weight or consideration. Should, however, further reflection or an interview with General Hodge give me any strong convictions on the subject I will venture to submit them.

In regard to the exchange of sugar produced near the Mississippi for the commissary east of Pearl River, it seems to me it will be a difficult matter and can only be done by seizure and impressment, as the sugar, if left to the laws of trade, would find its natural market in New Orleans, unless the Government could prevent the greater attraction of offering its cotton in exchange. I think, too, the amount within our reach must be very small, as a sort of retributive fatality seems to have followed the cultivation of plantations by peonage, or hired freedmen, within or near the lines of the enemy. Last year those who hired plantations to cultivate sugar met with heavy losses, and this year, with the tempting prospects of high prices, they rushed madly into cotton, which the army worm, particularly on the alluvial lands, has literally swept from the face of the earth, in some instances hundreds of acres scarce making a bale.

In relation to trade with the enemy, I have not only endeavored to enforce the law of February 6, 1864, but the law of May 19, 1862, by incessant remonstrance and notification to the military authorities, and I can truly say that my organization, however much it has failed to cover the whole ground, has been the principal barrier to this trade, in proof of which I beg leave to refer to my letters of the 13th and 27th of November, 1863, and accompanying report.

Though at that time I could, by the mere moral force of my office, stop a whole train of wagons, to such an extent has the demoralization increased that the same attempt now would probably endanger my life. No law or regulation can be enforced except by the exhibition of military power.

On hearing that General Hodge had assumed the command of the district I addressed a letter to him, copy of which is inclosed, marked A, at the same time inclosing to him copy of your letter to me of August 2, 1864, and yet under date of the 13th instant a permit was issued, as per copy inclosed, marked B, in which no objection to procure a clearance from this office or to pay the export duty is expressed, nor has any import duty been paid on any goods furnished by these contractors. It is also to be noted in relation to this permit that if wagons carrying cotton under it do not meet a picket, or the picket fails to indorse it, an unlimited amount may be carried out under a permit to export a few bales, and I am credibly informed that cotton is now being hauled in every direction to the lines of the enemy.

I do not refer to these facts to complain of General Hodge, but to exculpate myself from any want of vigilance or remissness in the discharge of my duty. I am bound to presume that General Hodge is acting according to his instructions, or that he is doing all he can to enforce the law on this subject, and that if he is unable to do so it is because the accumulated tendency to traffic on an extended border, restrained, as it were, only by a long and leaky levee, has at length culminated in a crevasse which it is impossible to check or control until the cotton has all flowed out, which is perhaps the best thing that could happen, if happen it must.

It is extremely difficult in the exercise of a "benevolent discretion" to bend the right lines of the law to individual cases. The frontier or border classes are here considered rather the favored ones, for though alternately protected and raided on by both parties, they are said to be repaid an hundredfold as the intermediaries in the exaggerated profits of this border traffic; and as it is not the really worthy and needy who are the first to partake of these beneficent provisions of the Government, if I may be permitted a homely illustration, it is like attempting to feed a weakly pig at the common trough, who is likely to perish before his lusty fellows become sufficiently gorged to give him room. If I was invested to-day with the authority to give permits to ship a few bales of cotton to all who should prove themselves in want, there is hardly a man, woman, or child in this district who would not prove, by moral and legal evidence, that they required it—the poor to satisfy absolute wants, the affluent to supply the vacuum created by impressments and voluntary or compulsory hospitality.

I duly appreciate your kind offer to approve my nomination of a deputy collector should the business of my department require it, but I think all that it is possible or practicable to do may be done by inspectors of the revenue, whom I have appointed and suspended from time to time as occasion required.

I have endeavored to administer my office without unnecessary parade or expense. All the additional service I may need would be mostly itinerary, when the party would be subjected to great privations and hard fare, to which I could not with propriety invite the gentlemen you have suggested.

It is, moreover, very difficult for a stranger out of the Army to subsist here, and I have only been able to do so by a small farming interest I had near here before the war and the services of a few servants.

Since writing the foregoing a party who had a load of cotton seized by my orders placed in my hands Special Orders, No. 11, of September

11, 1864, of General Hodge, a copy of which is herewith inclosed, marked C, under which the authority for moving is claimed.

This order may be in accordance with a policy of the War Department which it is not my province to question, but I respectfully submit that if "no restrictions are to be placed on the transit or removal of property of any kind within the military lines of this command, and no citizen is to be molested in any disposition as to locality he desires to make of his property," this department ought not to be held responsible for any infractions of the law prohibiting the transportation of cotton toward the lines of the enemy, though I shall continue to exert all the efforts in my power to enforce the laws and regulations as enjoined upon me.

I have the honor to remain, very respectfully, your obedient servant.

F. H. HATCH,
Collector.

[First indorsement.]

OCTOBER 1, 1864.

Hon. J. A. SEDDON,
Secretary of War:

Respectfully referred to Honorable Secretary of War, and his co-operation earnestly requested in the efforts to arrest this unlawful traffic. The orders of General Hodge, if not attended with some safeguards, will reopen the door wide for all the irregularities hitherto so loudly complained of. I would respectfully recommend that orders, such as that marked B, should embody a condition that the cotton should be allowed to pass only when it is indorsed upon the order by an officer of the customs that the export duty has been paid; and that no payment should be made to contractors for goods except upon the exhibition of a certificate from the collector that the import duties have been paid. I respectfully request that instructions to this effect may be sent to General Hodge.

G. A. TRENHOLM,
Secretary of the Treasury.

[Second indorsement.]

OCTOBER 16, 1864.

Let a letter be written to General Hodge suggesting that the duties on cotton exported under the contracts of the Department or commanders, and the goods imported, should all be required to pay duties, and that his action should secure such course.

J. A. S.

[Third indorsement.]

Honorable SECRETARY OF WAR:

I do not think that the officers in command in Mississippi or on the Gulf of Mexico can be trusted to regulate the cotton trade. I would not allow them to grant permission even for the purpose of collecting supplies. Experience has shown that they cannot or will not manage the matter judiciously, and there are pernicious and extensive consequences from bad management——

[Incomplete.]

[Inclosures.]

A.

COLLECTOR'S OFFICE, DISTRICT OF NEW ORLEANS,
Tangipahoa, La., September 4, 1864.

Brig. Gen. GEORGE B. HODGE,
Comdg. Dist. of Southwest Miss. and East La., Clinton, La.:

GENERAL: I have the pleasure to inclose herewith copy of a letter just received from the Secretary of the Treasury clearly defining the law relative to the exemption of articles from import duty. This has always been my opinion and the policy I have endeavored to carry out, but hitherto have been unable to do so for the want of that cordial and active co-operation on the part of the military authorities alike expected by the Government and commanded by the public interests. The reason for that indisposition to aid this department it is, perhaps, not my province to determine, but I sincerely trust that under your administration of the district this will be remedied, though I am quite sensible of its demoralized condition and the herculean and almost impossible task before you.

In a condition of war I am dependent almost solely upon the military for protection and aid in the discharge of my official duties and to enable me to execute the laws and to carry out the instructions of the Treasury Department. I have respectfully to request that you will instruct all officers in your district appointed to receive dutiable articles furnished by army contractors to take possession of such goods and the invoices accompanying and to forward the invoices under seal to this office or to an officer of this department, but not to release or accept delivery of the goods until a certificate is furnished from this department certifying that the duties have been paid. This course I regard as alike important to the interests of your department and mine, in view of the fact that large quantities of inferior goods are being introduced, likely to be palmed off on the Government or sold on speculation, without paying the duties established by law.

In this connection permit me to suggest that for convenience and protection this department should be under the supervision of one inspector, lest goods rejected at one point should be received at another, a thing which I have reason to believe has already been done. Major Ravesies, assigned to local work at Osyka, would be a most suitable officer to take the general charge of this business. He is capable and reliable.

I have also to request that you will instruct all officers and soldiers of your command to seize and report to this department all merchandise brought into this district on which the duties have not been paid.

If military permits are granted to export cotton, I beg that you will continue the practice heretofore adopted of first requiring a certificate from this office that the export duties have been paid.

Tendering you that cordial co-operation which should characterize the relations between officers of co-ordinate branches of the public service,

I am, very respectfully, your obedient servant,

F. H. HATCH,
Collector.

B.

HDQRS. SOUTHWEST MISSISSIPPI AND EAST LOUISIANA,
Liberty, September 13, 1864.

Thompson, Thayer, and Adams, having contracted with the officers of the Confederate States Government to deliver certain supplies, and having delivered supplies to the amount of $6,239.29, as evinced by the receipt of the agent of Capt. A. C. Herndon, chief quartermaster of this district, and said goods having been approved and passed by the board of officers appointed to inspect and appraise the same, the said Thompson, Thayer, and Adams are permitted to pass through the lines forty-six bales of cotton of their own property, with the understanding that upon the return of Captain Herndon from department headquarters they will obtain from him a requisition for the same number of bales upon the produce loan agent of the Confederate States Government. The pickets will pass that amount of cotton, but each officer commanding a picket through which said cotton passes will indorse on this permit the number of bales passed, and they will be careful to see that only forty-six bales pass, and the officers passing the last lot will return this permit to these headquarters.

By order Brigadier-General Hodge:

N. T. N. ROBINSON,
Acting Assistant Adjutant-General.

C.

SPECIAL ORDERS, No. 11. } HDQRS. DISTRICT OF HOMOCHITTO,
Liberty, Miss., September 11, 1864.

* * * * * * *

5. The military officers of this district are reminded that no restrictions are to be imposed upon the transit or removal of property within the military lines of this command. No citizen will be molested in any disposition as to locality he desires to make of his property, except in attempts to pass it through the lines in the direction of the enemy. Where cotton or tobacco is found under circumstances which create a reasonable suspicion that it is to be illegally passed over to the enemy it will, in accordance to the laws of Congress and the orders of the War Department, be seized and turned over to the nearest Confederate States district marshal.

* * * * * * *

By order:

GEO. B. HODGE,
Brigadier-General.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., September 23, 1864.

Surg. RICHARD POTTS,
Medical Purveyor, Montgomery, Ala.:

SIR: You are directed to purchase for the use of the Medical Department all the apple brandy that can be obtained in your district at a price not to exceed $35 per gallon, and as much less as possible. You will instruct your purchasing agents to make it appear that they are buying on private account. It is believed if it were known that the Government was the purchaser the price would be materially enhanced.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

RICHMOND, VA., *September 23, 1864.*

Brig. Gen. G. B. HODGE,
Liberty, via Summit, Miss.:

I have no power to authorize such trade with the enemy.

JEFFERSON DAVIS.

RICHMOND, *September 23, 1864.*

Mr. THOMAS SHARP,
Bonded Agent, Quartermaster's Department:
(Care J. B. Ferguson, Manchester, England.)

SIR: Your report in regard to the progress made in purchasing machinery for the manufacture of army shoes has been received. I am gratified to see that you have succeeded in purchasing so fairly with the means at your command, and your investment in the machinery for making sewed shoes, favored as they are in the French service, is approved. I hope all will come safely in. Be careful to assort the machinery and divide it in shipment, and in forwarding the same be sure to secure from Bermuda some in the fastest vessels. Let it be marked so that its character can be readily ascertained, and forward invoices in advance, so that the freight can be distributed from Wilmington. Be sure that the articles, for the purchase of which Major Waller retained £500 of your money, are had, and should you need an addition to your present means to secure them or other desirable pieces of machinery do not hesitate to call upon Major Ferguson or Mr. McRae for it. You should by all means send in a liberal supply of shoemakers' tools for field use and shoemakers' findings. In this connection I will add that Major Ferguson has been written to to purchase leather. The receipt of this machinery will increase the consumption of that material, and it becomes important to secure some from abroad, especially as it can be had thoroughly tanned. Your experience may aid Major Ferguson in the purchase, and it would be well for you to bring a large lot of carefully selected leather in with you.

The machinery for the manufacture of blankets should be secured by all means. To cover risk of passage and to increase the production for which you have estimated, four sets had better be purchased. At a cost of £2,300 each it will prove an excellent investment, and they will serve to make the Confederacy independent of the foreign market and of the contingencies of the blockade. The value of this machinery will be enhanced if a knowledge of the process of extracting wool from rags, which you state has proved a success, can be had on reasonable terms. Submit this matter to Major Ferguson, and between you the authority is conferred to purchase this knowledge at a fair price, or to secure, if need be, the services of the party to whom you refer as cognizant of the process, provided, of course, the latter involves no extravagance. Any process by which from one ton of rags half a ton of wool can be extracted at a cost of 1 pence a pound will prove of great value to the Confederacy.

As wool is scarce in the Confederacy, it will be better to purchase but one machine for the manufacture of blankets, unless the process referred to can be had and be relied upon to increase the quantity.

A. R. LAWTON,
Quartermaster-General.

RICHMOND, *September 23, 1864.*

Maj. J. B. FERGUSON,
Quartermaster, Manchester, England:

SIR: I have just written to Mr. Thomas Sharp fully upon the subject of machinery for the manufacture of blankets. He has been directed to confer with you, and you will please do all you can to arrange for its purchase. You must exercise your discretion in connection with making available the process of extracting wool from rags. If it has proved a success in England it will be of great practical value here. It may even be of service in the manufacture of cloth.

I inclose for your information and action, should circumstances permit, requisitions for articles needed by the field transportation branch of this department and by the Signal Corps, for the wants of which I am expected to provide. As time goes on and you see that the estimate referred to in my last communication is in a fair way to be responded to, you will endeavor to provide the articles called for, and in the event of making shipments you will be particular to advise this office respecting the same, and in a manner that will enable it to identify the supplies, and so control their destination from Wilmington.

In referring as I did in my previous communication to the advantage of purchasing all gray cloths instead of part blue, I included material for soldiers as well as officers.

The necessities of officers are so great that there is no necessity to purchase the first quality of cloth. The question has become one rather of quantity, due regard being had to wearing properties. The same is to some extent true of stationery. If any material economy can be effected and so the quantity of purchase increased by buying a plain but serviceable article, it had better be done. A further saving as to stationery may be effected by purchasing letter paper, full note size.

A few thousand yards of officers' cloth—say 5,000—and a limited quantity of stationery, each of superior quality, might be sent in for special purposes. Some water-proof material will be acceptable, and there is no article more serviceable to the Army for fall and winter wear than the flannel or worsted shirts, or the material for their manufacture.

The water-proof material must be postponed to an abundant supply of woolen goods, as also must the inclosed requisition.*

A. R. LAWTON,
Quartermaster-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, September 23, 1864.

His Excellency Governor M. L. BONHAM,
Columbia, S. C.:

DEAR SIR: The Legislatures of the various States will soon be in session. It will become them to take such steps in aid of the common cause as the perilous and straightened condition of the country demands. The great evil of desertion must be broken up, if possible; provision must be made to feed the poor, and the feeble and despondent must be encouraged and inspired with hope; and, beyond all

*Not found.

else, men must be sent to the armies of Generals Lee and Hood. To find how and where to get these men is the great object of inquiry. Large numbers, no doubt, are in the various departments of the Confederate Government who could be sent to the field and their places filled by non-combatants. It will be for the Confederate Government to look after these. There are also numbers engaged in the various State departments who might be spared. And there is yet a large class of State officers in all the States withheld from service, not only on account of the necessity for them in administering the governments, but also because the principle of States sovereignty rendered it improper to allow the Confederate Government to conscript them. This latter class I suppose to be quite numerous in all the States, and could there be a way prescribed to put at least a portion of them into service without injuring the efficiency of the State governments, and without infringing upon the rights of the States and their dignity as sovereigns, they would constitute quite a material re-enforcement to our hard-pressed armies. It seems indeed desirable beyond doubt. However, it is especially desirable that action on this and all kindred matters should be uniform, or as nearly so as possible. It would avoid much discontent for every man to know that he was required to do only that which every one else has to do, and that the burdens of the war are fairly distributed. In order to attain this uniformity, as well as to consult on any other matter of possible concern which might present itself, I beg leave respectfully to suggest a meeting of all the Southern Executives on this side of the Mississippi at some such point as Augusta, Ga., during the coming month of October, when and where some general plan of action might be agreed upon for the relief of the country, and recommended to our several Legislatures. Should such a suggestion meet with favor at your hands, I would be greatly pleased to hear from you in regard to the time and place of meeting. Any time, so far as I can now see, will suit me, and any place within three days' travel by rail.

I am, Governor, very respectfully, your obedient servant,

Z. B. VANCE.

(Letters of the same tenor with the preceding one were to-day sent to the Governors of Georgia, Alabama, Florida, Mississippi, Tennessee, and Virginia.)

[SEPTEMBER 24, 25, and 28, 1864.—For correspondence between Whiting and Vance, in relation to the organization of North Carolina troops for the defense of Wilmington, &c., see Series I, Vol. XLII, Part II, pp. 1282, 1289, 1300.]

[SEPTEMBER 25, 1864.—For General Orders, No. 75, Trans-Mississippi Department, placing the Reserve Corps under control of the superintendent of the Conscription Bureau, see Series I, Vol. XLI, Part III, p. 955.]

GENERAL ORDERS, No. 75.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT,
ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., September 26, 1864.

I. The troops raised under the act of Congress approved February 17, 1864, styled "Reserves," constitute a peculiar force, auxiliary to,

but in a measure distinct from, the more permanent army, and are exclusively under the orders of the general officers assigned to their command in the several States, subject to the following modifications:

When a commander of active forces requires the reserves as re-enforcements, application will be made to the Secretary of War, or directly to the general commanding the reserves; and when reserves are assigned in pursuance of such application to a district, department, or army commander they become, during the period of such assignment, subject to his control to the extent that he alone will direct their military movements, determine all applications for furlough, and be responsible for their being furnished with the necessary supplies, equipments, &c.; but questions appertaining to their permanent organization into companies, battalions, and regiments, the grant of discharges, details, &c., will at all times be determined by the general commanding reserves.

When reserves are assigned to the active forces by the War Department its order will be necessary for their recall; but when transferred by the general commanding reserves he may recall them at his discretion, the orders therefor being transmitted through the commander of the district, department, or army in which such reserves may be serving; but if their detention be deemed by him indispensable he shall immediately submit the question to this office for the decision of the War Department, in the meantime retaining the reserves affected by such orders.

During the assignment of reserves with the active forces the commanding officer will have punctually transmitted to the general commanding reserves a monthly return of such reserve troops, similar to that required by paragraph 445, Army Regulations, to be made to the Adjutant and Inspector General.

Whenever reserves are serving with active forces no discrimination in the issue of rations and supplies of camp equipage between the two classes of troops will be permitted.

II. The following prices, being the average of late schedules established by commissioners for the States east of the Mississippi River, with cost of transportation included, will be charged for subsistence stores sold to officers under the act of February 17, 1864, and amendments, in Virginia, North Carolina, South Carolina, Florida, Georgia, Alabama, Mississippi, and East Louisiana until further orders:

Bacon, $2.50 per pound; fresh beef, 70 cents per pound; flour, $40 per barrel; corn-meal, $4.50 per bushel of 50 pounds; rice, 30 cents per pound; peas, $6.50 per bushel of 60 pounds; sugar, $3 per pound; coffee, $6 per pound; candles, $3.25 per pound; soap, $1 per pound; vinegar, $2.50 per gallon; molasses, $10 per gallon; salt, 30 cents per pound.

III. Non-commissioned officers and privates are allowed rations for their own use, but this privilege does not authorize the sale or other disposition of them. If it is impracticable to use the ration, commutation may be drawn in lieu thereof.

By order:

S. COOPER,
Adjutant and Inspector General.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., September 26, 1864.

Surg. W. A. CARRINGTON,
Medical Director, Richmond, Va.:

SIR: It has been ascertained that the ashes from wheat straw is an excellent substitute for oak-wood ashes for the manufacture of soap. You are instructed so to inform the surgeons in charge of hospitals under your jurisdiction, and to direct them that whenever wheat straw becomes no longer fit for use in the hospitals to have it collected and burned and the ashes used for the manufacture of soap. It is not always practicable to procure oak wood for this purpose, and the present method of obtaining lye is suggested not only as a matter of convenience, but also as a great saving to the Government.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

SEPTEMBER 26, 1864.

Honorable SECRETARY OF WAR:

Some time in November, 1863, I promised to let Mr. J. P. H. Campbell have twenty barrels corn for his own use, but in February, when I came to deliver it, I found that I could not spare more than half the quantity, having sold to Government and to families of soldiers in the Army at Government price as much as I could spare, and then proposed to let him have oats or wheat of this year's crop to make up deficiency, but having executed my bond in May to the Government as an exempted farmer a doubt arose as to my right to dispose of the grain in the manner agreed upon, and I am not only willing but prefer to deliver the grain, if not inconsistent with my obligations to the Government, and will [do] so when relieved.

GEORGE TYLER.

[First indorsement.]

COMMISSARY-GENERAL:

Presented by Mr. Campbell, whose address is Panola Station, Caroline County, Va. Mr. Campbell is the gentleman to whom Mr. Tyler was under contract and represents his want of the forage as extreme. It was sold to him at Government prices.

R. G. H. KEAN.

[Second indorsement.]

OCTOBER 3, 1864.

Respectfully referred to chief commissary of subsistence for Virginia for reply.

By order of Commissary-General of Subsistence:

T. U. DUDLEY, JR.,
Captain and Assistant Commissary of Subsistence.

[Third indorsement.]

OFFICE CHIEF COM. OF SUBSISTENCE FOR VIRGINIA,
Richmond, October 4, 1864.

Respectfully returned through Commissary-General of Subsistence, disapproved as contrary to the law of Congress and the bond of the party, which requires the party "to sell the marketable surplus of

grain and other provisions now (then) on hand and which he may raise from year to year, &c.," to the Government and soldiers' families at schedule prices.

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

[Fourth indorsement.]

BUREAU OF SUBSISTENCE,
Richmond, October 8, 1864.

Respectfully returned to Secretary of War, calling attention to indorsement of Major Noland, which is approved.

L. B. NORTHROP,
Commissary-General of Subsistence.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 27, 1864.

Lieut. Gen. R. TAYLOR,
Commanding, Meridian, Miss.:

GENERAL: A number of inspection reports have brought to my notice the existence of very great irregularity and abuse in the administration of your department, and that a reform is imperatively required. These reports refer to facts and circumstances which arose long previous to your assumption of the command of the department, and the consequences from which it will scarcely be in your power wholly to remove. The most important of the matters referred to is the illegal traffic and intercourse with the enemy, and the disloyalty and disaffection that have ensued from it.

Congress as early as 1861 prohibited the export of cotton except through Confederate ports, and afterward tobacco, rice, sugar, naval and military stores were made subject to the same regulations.

In February last all trade in these articles beyond the Confederacy was prohibited except under special regulations to be made by the President, and any trade carried on or attempted contrary to, or not in conformity with, the regulations subjected the property to seizure and forfeiture, together with the vessels or vehicles employed in the transport of the articles and the slaves and animals that might be used as instruments for the purpose. The regulations of the President require, as a condition for the exportation of these articles, that a license shall be obtained from the collector of the district from which the export is to be made, upon an application to him according to the regulations and upon compliance with conditions imposed in them.

The duties of the military commanders in respect to these laws are exhibited in Orders No. 43, of the current series, in which the provisions of the act are sufficiently set forth. The inspection reports show that it has been the habit of the officers of the department to grant licenses to trade with the ports and posts of the enemy, and that the community at large have been seduced by the example into doing the same thing, in total violation or disregard of the acts of Congress. They show that there are a number of impostors—men professing to be agents of the Government or licensed by some of its officers to conduct this trade—and that as a consequence of this licentiousness the patriotism and public spirit of the community have seriously

diminished. In fact, only one or two contracts for special supplies have been made with the sanction of the Department, and such have, it is believed, expired by their limitation.

The Department expects of you to disabuse the minds of all the officers and soldiers in the army in reference to the legality of this trade. It should be prohibited at once; the guilty parties, if officers, should be brought to trial.

Orders No. 43 will show you the duties of the commanding general in respect to all unlicensed transactions.

The Treasury Department has appointed Mr. Clapp as its general agent, and he can inform you whether any, and if any, what, transactions are carried on with the license of the Government.

A second source of abuse is the manner in which private property has been taken, upon the pretense that it is for the public use. The power to take private property for public use is conferred by Congress in the acts concerning impressments. It is a power to be exercised only in cases of necessity and according to law.

The general commanding a department can direct an impressment of property for public use, and this Department has conferred the same power upon the chiefs of the bureaus of supply by the authority of the law. In either case the power should be executed under specific orders, and by officers accountable for the property taken.

In the State of Mississippi officers of every grade and of every arm have gone through the State without special orders, without money, gathering up property where they could find it, refusing payment, neglecting to ascertain or adjust the price, leaving insufficient evidence of their acts, and in most of the cases rendering to none of the departments of supply, nor to the department commanders, any account of these acts or authority for their acts.

The most scandalous outrages have been practiced upon the citizens of that State by the lawless conduct of subaltern officers. A special source of grievance is the formation of cavalry bands by the impressment of horses for the purpose. The general orders of the Department prohibit this. The Department anticipates from your action a correction of these abuses.

The same reports exhibit as a source of disorder the existence in the State of a large number of organized, undisciplined bands, composed of men who are evading military service by their connection with these. The Department has long ago abandoned the habit of granting licenses to individuals to raise military commands. All that have at any time been granted and that have not been fulfilled are now inoperative.

There is nothing to interfere with the operation of the conscription laws. It empowers you to reduce into order and organization the various detached companies that may have been legally raised and are completed for service, and such as are not in that state should be disbanded, and those who are liable to conscription should be conscribed.

Intimately connected with the matters of illegal and unauthorized organizations is that of the deserting from the Army. It is said that there is a constant flux of the military population of this side of the Mississippi to the west of the river, and that a very large number of absentees from the Army have found shelter in Mississippi.

The present condition of the service is such as to awaken the most serious concern. At a time when the wants of the country require every man to be at his post, a fatal laxity in the discipline of our

armies has become manifest. The highest military crime, desertion, is committed almost with impunity. There does not appear on the part of a deserter to be any difficulty in obtaining shelter in any section of the country, or even in a different portion of the Army from that in which he is serving. Your attention is called particularly to this subject from the fact that the reports to the Department show that deserters and absentees from the Army without leave abound in that State.

The same reports show that in a number of the cavalry regiments in service in Mississippi the discipline is lax, and that the number of absentees is unusually large. The reports show the general condition of that arm of the service to be unsatisfactory.

Circumstances in the history of the war in Mississippi furnish an explanation for the matter of these reports; but such a condition of disorganization and derangement cannot long exist without producing the most mischievous consequences. Some of the abuses can be removed and some of the consequences repaired.

A firm, steady, and considerate administration would in a short time inspire confidence and inaugurate authority. The Department cannot too strongly invoke your co-operation and aid in producing these results.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, September 28, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Governor Vance in this truly "extraordinary" letter* specifies three grounds of complaint against this department:

First. Interference with his factories by the revocation of details.

Second. Impediments thrown in the way of the State in connection with running the blockade.

Third. Interference generally with the operations of the quartermaster's department of the State.

In regard to the first, it is enough for me to say that the power to grant and make details rests with another and an independent bureau. What its action has been I am not even advised, and the complaint from Governor Vance first informed me of any change in its practice. That action has resulted, no doubt, from the earnest desire felt by the authorities of the Confederate States to place, for the present emergency at least, as many men as possible in the ranks, and was not prompted by me.

Respecting the second, I may say as much. The control of that subject is also in other hands, and to what Governor Vance alludes I am, as you are well aware, even now wholly ignorant. This Bureau has no authority in the premises, and it has never made to either the War Department or to Lieutenant-Colonel Bayne, in charge of the Bureau of Foreign Supply, a single suggestion affecting, however remotely, the interest of the State of North Carolina.

Touching the third complaint, I must go more into detail. The

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*See September 19, p. 671.

reflections cast by Governor Vance upon this department call for it, as does a sense of duty to the service at large.

Governor Vance states that North Carolina made a contract to furnish her own troops in the field, and that to enable her to do so it was agreed that the resources of the State should be left to her management. He then adds that this understanding was immediately disregarded by the action of competing Confederate agencies, but that it is still his boast and pride that the State authorities have nobly fulfilled their contract. I respectfully but confidently submit that an impartial statement of the whole case will show that there is no occasion for the indulgence on his part of either pride or boasting. I know of no agreement by which the resources of the State of North Carolina were dedicated to the exclusive benefit of the troops therefrom. This department at an early period of the war agreed that in consideration North Carolina clothed her soldiers, and to the extent only that she did so, the commutation money due the soldiers should be drawn by the State. When payment of commutation was abolished, in October, 1862, it was further agreed that the State should be paid certain prices for all the clothing she furnished. In each case it was contemplated that State action should come in as auxiliary to the efforts of this Bureau, and not to supplant them. It resulted, however, otherwise. State agencies gradually encroached until at last, while all the other States of the Confederacy were contributing generously to the common cause, North Carolina alone husbanded her resources for North Carolina troops. The injustice of this was felt sorely, and a full appreciation of the delicate relations of the States and Confederate Government, coupled with an earnest desire to avoid all perplexing questions between them, alone restrained this Bureau from protesting against the existing arrangement. That injustice is manifest in connection, too, with the factories, from the following statistics:

In the State of South Carolina there are 9 factories, in Georgia 36 (5 now destroyed by the enemy and others in peril), in Alabama 9, in Florida 1, in Mississippi 1, and in Virginia 26; aggregate 80. The production of these on Government account is inadequate and the deficiency is now increased by the want of raw material in Virginia. In North Carolina alone there are some 40 factories, woolen and cotton, from not one of which has this Bureau realized for years past a single yard of material for the service at large. All has been reserved and expended in the manufacture of clothing for North Carolina troops and in relieving the necessities of the home population by sales at low prices of material secured at low prices in consideration of invaluable details granted by the Confederate States. This condition of things, too, was aggravated by the action of the authorities of North Carolina in drawing material from other States. Wool was drawn from Virginia and leather from States to the south of it, and both leather and wool in considerable quantities from the trans-Mississippi country. Feeling the hardship of this the department sought relief by proposing early in 1862 that the whole arrangement should be abrogated. This was not accepted. It then proposed that all clothing manufactured by the State should be turned over for general issue, engaging to supply in the first instance North Carolina troops to any extent their necessities might require. This was also refused. The result has been that, while at times Confederate soldiers from other States have suffered for supplies, North Carolina soldiers have been amply supplied and the State has held large quantities of clothing in reserve. Governor Vance has made both the

matter of boast in recent speeches. This clothing accumulated not only at Raleigh in bulk, but in smaller quantities in the distributing depots of the State. Less than one month ago General Gardner, as commandant of this post, brought to the attention of this Bureau the fact that a large lot of clothing—several thousand suits—were stored in this city. On inquiry it proved to be as was supposed—North Carolina clothing that had been there over a year.

Governor Vance says that he has never refused to loan supplies. He was never approached on that subject but once. In December last, when this department was straitened for supplies by reason of its heavy losses at sea and the unexpected demands upon it to meet the wants of General Longstreet's army in East Tennessee, and at a time, too, when its woolen material had run so low that the clothing factory at this point had to suspend work, Governor Vance was appealed to for aid, but he extended none. At that time the North Carolina troops were all clad and a surplus was reported on hand sufficient for the entire year of 1864.

Some 10,000 suits of clothing turned over by Governor Vance to such Confederate officers as he elected to serve, and 10,000 more turned over within a few months past to this department for general issue, make the total advances extended by the State within the past three years. I am safe in saying these will not cover the issues that had to be made to North Carolina troops within the same period from Confederate States supplies to meet the exigencies of field service.

It is suggested that a sense of duty to the soldiers of North Carolina will not permit Governor Vance to surrender everything to this department. It would be difficult for him to show that as much was ever asked by me, though encouraged to it by the example of all other State authorities within the limits of the Confederacy. With him the department has asked but little and obtained less. It would have been and is now content that he should receive one-third of the production of the factories for North Carolina soldiers exclusively, asking only that it may receive a like proportion for the benefit of soldiers from all sections of the Confederacy.

The importations of the State from abroad being additions to the resources of the country and the result of credit and management on the part of the State have always been conceded as the subject of special appropriation; but can there be aught else than injustice in a system that devotes the entire product of a single State—that, too, one rich in resources—to the sole benefit of the troops therefrom? What under it is to become of troops that have no home resources to rely on—of the troops from Tennessee, Kentucky, Mississippi, Louisiana, and the distant regions of Texas, Arkansas, and Missouri?

Our cause is a common one, our soldiers struggle for it in common, and I submit what the country affords should be freely shared in common.

Respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
Columbia, September 28, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

DEAR SIR: I have received your letter proposing a meeting at Augusta, Ga., of the Governors of the Southern States during the

coming month of October, with a view of securing some uniformity of action for filling the ranks of our Army, and your proposition meets my entire approval. Augusta is a very suitable place, and possibly the most central for us all. The day should be as early as practicable, but the danger in making it so is that we will not have present the Governors west of the Mississippi. This, I fear, will not be practicable under two months, which would be too late for the approaching sessions of our Legislatures, that of this State meeting on the fourth Monday in November next. In assenting to your proposition it is proper that I should state that in South Carolina no persons are reserved to the State, but all have gone into Confederate service from the classes of militia officers, magistrates, deputy clerks, and deputy sheriffs, except in one or two cases where the Confederate Government has detailed them or exempted them, and several other classes, all of which classes I have understood in several of the States have been reserved by the States or by the Executives thereof. Whilst I think each State should have a permanent force of its own, as matters now stand it is better that every one who can be spared should go into the Confederate service; but the most important thing now to be done, in my judgment, to fill our ranks and secure the greatest harmony and satisfaction among our people is placing in service the army of efficient officials and detailed men scattered through the Confederacy, whose duties can as well or better be performed by inferior men, disabled officers and soldiers, citizens exempted by Confederate law from service in the field, and persons over fifty years of age.

Very respectfully and truly, yours,

M. L. BONHAM.

AUGUSTA, *September 29, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The idea may or may not have been presented to you of employing negroes in the Army as soldiers in this way: Promise them (those employed) freedom when the war is over. Compensate the owners, of course, by interest-bearing bonds. All the able-bodied men might be used certainly as effectively as the Yankees use them against us. Let the negroes fight negroes and he will show much more courage than when opposed to white men. Confront them with Yankee negroes and place bayonets behind them.

The institution of slavery would still be maintained by the retention of boys, women, and exempted or detailed men (negroes), the lives of our fellow-citizens to some extent preserved, and provisions sufficient still produced by this efficient portion of our society. My name would add nothing. I hope your practical mind will adopt the suggestion, though anonymous. Our bleeding country requires a quick and stringent remedy. Don't stop for forms.

Very respectfully, &c.,

A NATIVE GEORGIAN.

After the war the negroes (enfranchised) might be colonized—say in Mexico, if practicable, or Central America.

[Indorsement.]

OCTOBER 6, 1864.

Noted. If all the white men capable of bearing arms are put in the field it would be as large a draft as a community could continuously

sustain, and whites are better soldiers than negroes. For war, when existence is staked, the best material should be used.

J. A. S.,
Secretary.

SPECIAL ORDERS, } ADJT. AND INSP. GENERAL'S OFFICE,
No. 232. } *Richmond, September 30, 1864.*

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VI. Capt. E. T. D. Myers, Engineer Corps, Provisional Army, C. S., is hereby assigned with Col. C. F. M. Garnett and Lieut. Col. Minor Meriwether in the commission for the collection and distribution of railroad iron, and in addition to his duties as such will be charged from time to time, under the direction of the Engineer Bureau, with the duplication of railroad bridges and the repair and reconstruction of railroads injured or destroyed by the enemy and judged necessary for the transportation of troops and supplies.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., September 30, 1864.

General M. J. WRIGHT,
Macon, Ga.:

The enlistment of Irish and other foreign prisoners, as proposed, is sanctioned.*

J. A. SEDDON,
Secretary of War.

CHARLESTON, *September 30, 1864.*

Hon. J. A. SEDDON:

About 260 prisoners, foreigners, at Florence have volunteered for our service. In consultation with General Beauregard I recommend and ask that Maj. Henry Bryan, assistant adjutant-general, and Capt. J. H. Brooks, of Nelson's battalion, Hagood's brigade, be ordered to Florence without delay to organize them into a battalion. Many others may be obtained. I will await your instructions before taking any other steps in matter.

SAM. JONES,
Major-General.

[Indorsement.]

ADJUTANT-GENERAL:

Order these two officers to report to General Jones for the purpose indicated. In sending the order transferring Captain Brooks, explain to his superior officer the purpose for which his services are required.

J. A. SEDDON,
Secretary of War.

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* This in reply to Wright, of September 29, 1864, reporting that a number of Catholic Irish prisoners, 1,000 or more, desired to enlist in the Confederate service, and asking "Shall it be done?" The paper is not found, but the foregoing purport is taken from the War Department telegrams-received book.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, NITER AND MINING BUREAU,
Richmond, [*October 1, 1864*].

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to submit for your information four tabulated statements, covering the operations of the Government niter and mining service during the current year: Exhibit A, niter production and importation; Exhibit B, nitriaries; Exhibit C, iron and general mining service; Exhibit D, officers and their assignment.

Since the date of the last annual report the events of the war have borne with especial severity upon the mining service. Ten large iron furnaces in Virginia, all but three in Tennessee, all in Georgia, and four in Alabama, have been burned or lost, and with them many forges, foundries, and rolling-mills. The Ducktown Copper Mines are still in hostile occupation. Important niter works in Virginia, Georgia, and Upper Alabama have been repeatedly destroyed and workmen killed and captured.

The Bureau effort has consequently been one of incessant reconstruction as well as production. With your authority, all accessible works so destroyed have been rebuilt at Government cost, and of the larger furnaces several are either in or about resuming blast. Also, under your orders the reconstruction of smelting furnaces for copper and lead has been commenced in more interior localities, the Petersburg works having finally come under fire. In connection with these works of reconstruction examinations of interior ore beds have been persistently continued as points of last resort, with a view, also, of obtaining valuable mineral information. Notwithstanding all difficulties, military and financial, the more important requisitions of the Army for niter, the metals and mineral products charged to this Bureau, have been promptly met, and for the Navy all requisitions of niter and nearly all in the metals and coal. For iron, the Secretary of the Navy has on several occasions, after the loss of important iron works, waived his own requisitions, on the appeal of the Bureau; and in the same connection it is my duty to acknowledge the co-operation of naval officers in many important points connected with the mining service.

The home production of niter has progressed more favorably than was expected—increased results from the better training of workmen offsetting losses from acts of the enemy. It will be seen from the niter exhibit sheet that this production until recently exceeded the importation. In the nitriaries the accumulation of nitrous material has gone so far that superintendents have been directed to give special attention to enriching and preparing the earths for results. Laboratory analyses and practical tests already indicate general results proportionally (time considered) in advance of the French nitriaries as recorded by Dumas and Barruel, but to omit no possible source of information, arrangements have been made for an inspection and direct comparison with the most approved European works. In this connection attention is asked to the fact that the artificial production of niter in Europe ends in preparing, during three years of manipulation, earths which contain a smaller percentage of the nitrates than the earths of our own caves and mineral deposits. These deposits are to the present war what the nitrous accumulations of ages in old cities were to France in 1793. In both countries nitriaries are expedients of last resort. To collect the requisite animal

matter they must be located at or very near large towns, and where the nitrates mature, potash and fuel must be brought to them in large quantities. In mountain work, with manual labor about the same, and with the cost of production much less—less even than importation—the distant transportation of fuel and potash is avoided. It has consequently been the aim of the Bureau to work to the last our natural deposits, at times within the enemy's lines, and to examine carefully for new deposits in every possible locality. In North Carolina this experimental work has been attended with a success altogether unlooked for by scientific men, as will appear in the niter exhibit A.

With this allusion to the wants of a branch of the mining service very much misunderstood, the attention of the Department is respectfully and very earnestly asked to the question of labor for the mining operations. Upon this depends the campaign supplies of the metals and of niter for 1865. Furnaces, machinery, smelting works, tools, and working sites have all been prepared. Workmen have been procured and trained, but many of them have been withdrawn—for temporary service it is to be trusted. Upon their early return, as soon as circumstances permit, hang grave consequences.

The entire force heretofore employed in the Government niter and mining service east of the Mississippi River has been as follows:

	From 18 to 45.	Over 45 or disabled.	Negro.
Iron and mining	2,313	205	4,301
Nitriaries	38	14	581
Niter production	1,690	146	823
Total	4,041	365	5,705

With the exception of the Carolina force, which is recruited from a class impracticable for military service, the employment of white laborers between eighteen and forty-five in the niter service is due partly to the frontier character of the work and partly to the necessity of a considerable proportion of trained or expert workmen. Whenever exempt labor could be substituted it has been done rigidly and conscientiously. All clerical labor that can be is done by disabled men or by females. This is stated to give full force to a comparison of the aggregate of our own mining and niter labor with the labor employed by the enemy on corresponding work connected with the war, as well as can be ascertained, and it is as follows: In the Confederate States ———. In the United States over 80,000.

If the campaign of 1865 is conducted on the same scale with the present, our own laboring force must not only be maintained but must be increased, or the Army will contend at fearful disadvantage with the superior equipment of the enemy.

The attention of the Department is also requested to the necessity of stopping the departure from the country of trained workmen and mechanics, while the Government is importing workmen at great cost from Europe. Several hundred excellent mechanics have gone to the enemy during the past few months from interior pressure. Prompt action is respectfully suggested, either by legislation or by general orders, encouraging, inviting, and protecting skilled mechanical labor.

The military organization of the niter workmen has been attended with gratifying results. Assembled rapidly on call, they go into action on their own ground and with home instincts fresh upon them, and under these influences they have invariably done well. Two hundred of these men under their superintendent, Maj. James F. Jones, fought in line of battle at Mount Hope and were noticed for good conduct. Their loss was 9 killed and 16 wounded. The force from three of the Virginia districts fought at Saltville with the detailed men and were again noticed for good conduct; casualties not yet received. The Tennessee force has served for some weeks under General Vaughn. And from Upper Alabama reports equally favorable have been received from the frontier men under Capt. William Gabbett, who have been frequently called from their work to resist hostile incursions.

The danger over, these men return to their work generally unaffected by camp habits; and clothing and feeding each one himself soon again returns each his quota of niter. One regiment and a half of niter workmen cover all details from the Potomac to the Mississippi and insure a full supply of ammunition for our armies in the field. To break up this organization will be to inflict a double blow on the service.

TRANS-MISSISSIPPI SERVICE.

No recent detailed reports have been received from this department. The general results, however, are satisfactory. In niter the local production exceeds the present requisitions. In iron the production is increasing. Three high furnaces are in blast and two more under construction; also forges and probably one rolling-mill. Funds and workmen have been sent from this side as far as possibly can be spared; lead, copper, and sulphur have been supplied as called for, and copperas from local production.

In the general operations of the Bureau the military pressure of the last two years has permitted only incidentally mineral exploration and experimental examination in labor-saving machinery. Valuable notes, however, are preserved for future reference. In this connection it may be mentioned that zinc has been smelted within the Confederate States. That experiments on the Bessemer process are in progress, and that the exploration for coal suitable for iron furnaces is continued in Virginia upon the plan directed by the Secretary of the Navy.

In closing I take pleasure in commending to the attention of the Department individual efforts of the several officers of the corps as presented in their returns upon the inclosed exhibit sheets.

I also desire to acknowledge specially to the Department the aid constantly extended to this service by the chief and officers of ordnance and of the Bureau of Foreign Supplies.

Very respectfully,

I. M. ST. JOHN,
Colonel and Chief of Bureau.

A.—*C. S. Niter and Mining Bureau, return of niter, &c., to September 30, 1864.*

Number.	State.	Officer in charge.	Force employed. Whites. Exempts.	Force employed. Whites. Non-exempts.	Force employed. Slaves or free negroes.	Niter deliveries (in pounds). During present quarter. Government works. Caves.	Government works. Deposits.	Contractors. Caves.	Contractors. Deposits.	Total.	Aggregate deliveries to date. Government works. Caves.	Government works. Deposits.	Contractors. Caves.	Contractors. Deposits.	Total.	Expenditures. During present quarter. *a* Government works.	Contractors.	Total.	Aggregate to date, June 30, 1864. Government works.	Contractors.	Total.
1	Virginia	Prof. D. K. Tuttle	20	240	20	.....	.....	21,380	1,754	23,134	2,903	1,461	52,271	69,716	126,351	.....	.....	.....	$7,882.90	$90,835.13	$98,718.03
2	.....do	William A. Jones *b*	.....	.....	.....	.....	.....	.....	.....	.....	3,460½	2,957	2,354	4,137½	12,909½	.....	.....	.....	12,198.01	4,722.62	16,920.63
3	.....do	Capt. R. C. Morton	8	112	10	.....	4,764	.....	19,300	24,064	4,656	17,987	10,700	83,221	116,564	.....	.....	.....	20,054.50	71,242.17	91,286.67
4	.....do	James B. Noyes	8	70	10	.....	5,493	.....	2,556	8,049	14,766	16,042	5,436	5,929	42,173	.....	.....	.....	33,634.51	6,641.01	40,275.51
4½	.....do	Maj. James F. Jones	45	204	7	1,537	3,204	1,216	18,567	24,524	32,656	14,088	27,105	130,738	207,587	.....	.....	.....	33,670.42	130,824.59	164,495.01
5	North Carolina	Maj. C. R. Barney	37	463	25	.....	1,925	.....	35,895	37,820	.....	16,014	.....	222,893⅓	238,907⅓	.....	.....	.....	17,687.55	146,296.13	163,983.68
6	South Carolina	Prof. F. S. Holmes and John Le Conte.	11	11	244	.....	.....	.....	.....	474	.....	.....	.....	.....	2,008	.....	.....	.....	.....	.....	.....
7	Tennessee	Maj. T. J. Finnie	....	101	.....	.....	.....	2,910	5,819	8,729	.....	.....	91,747	98,560	190,307	.....	.....	.....	2,886.66	129,440.27	132,326.96
8	Tennessee and Georgia.	Capt. F. H. Smith	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	85,706	.....	.....	.....	.....	.....	.....
9	Upper Alabama	Capt. William Gabbett	17	278	88	.....	.....	.....	.....	10,376	.....	.....	.....	.....	225,665	.....	.....	.....	207,265.66	30,711.51	237,977.17
10	Lower Alabama	W. H. C. Price	....	72	506	.....	.....	.....	.....	5,089	.....	.....	.....	.....	34,716	.....	.....	.....	10,134.76	16,036.38	26,171.14
12	Florida	Lieut. C. H. Latrobe	.....	2	12	.....	.....	.....	.....	.....	.....	.....	.....	.....	820	.....	.....	.....	6,158.92	.....	6,158.92
14	Georgia	Henry P. Farrow	3	117	330	.....	.....	.....	.....	4,624	.....	.....	.....	.....	29,913	.....	.....	.....	.....	.....	.....
	Texas and Arkansas.	Maj. Isaac Read and Capt. R. H. Temple.	....	.....	.....	.....	.....	.....	.....	63,000	.....	.....	.....	.....	408,905	.....	.....	.....	.....	.....	.....

a The officers being in the field, returns have not been made to September 30, 1864.—H. F. Reardon, captain and disbursing officer. *b* Consolidated.

Made in Virginia and Tennessee, but not delivered to date of report, 13,000 pounds.

Total amount produced	1,735,531¼
Total amount imported	1,720,072
Grand total	3,455,603¼

Respectfully submitted.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

B.—*Exhibit sheet of C. S. nitriaries up to latest dates.*

Location.	Labor.					Stock.			Sheds.		Beds.			Analyses.		Cost. *b*				Remarks.
	Superintendent.	Assistant superintendent and foreman.	White.	Negro.	Total.	Horses.	Mules.	Wagons and carts.	Number.	Covered surface (in superficial feet).	Number.	Contents (in cubic feet).	Composition. *a*	100 pounds contain on an average equivalent of niter—	Niter to 1 cubic foot.	Total expenditures.	Equated to peace prices.	Cost per cubic foot, present rates.	Cost per cubic foot, peace prices.	
														Oz.	*Oz.*					
Augusta, Ga	....	1	2	65	67	3	10	13	12	54,000	231	164,375	.....	8.14	5.70	$51,506.23	$17,168.74	$0.31⅓	$0.10⅓	
Tallahassee, Fla	....	1	...	12	12	....	5	2	3	17,820	77	30,000	.....	3.70	3.04	10,060.00	3,353.33	.33½	.11⅛	Recently transferred from State of South Carolina.
Columbia, S. C	....	1	...	122	122	12	13	....	10	45,000	284	110,000	.....	6.86	5.62	108,933.76	36,311.25	.99	.33	
Ashley Ferry	1	....	...	30	30	....	1	1	6	14,850	5	45,000	.....	.....	.....	25,767.48	8,589.16	.57	.19¼	Experimental beds to test marsh mud.
Cooper River	1	....	...	4	4	....	1	2	3	13,500	6	40,000	.....	.81	.54	11,910.56	3,970.18	.29⅔	.09 1/10	
Charleston beds	1	1	...	35	35	3	16	16	24	28,800	169	98,725	.....	8.00	5.72	27,358.05	9,119.35	.27	.09⅛	Samples from one bed only.
Selma, Ala	1	1	...	28	28	1	28	12	11	46,875	28	106,000	.....	3.87	2.70	43,831.76	14,643.90	.41⅓	.13⅝	
Mobile, Ala	1	2	...	28	28	2	20	8	2	18,000	.....	100,000	.....	2.24	2.57	35,614.20	13,745.26	.35	.13⅜	
Talladega, Ala	1	....	...	8	8	2	4	4	2	9,600	2	45,000	.....	.20	.14	17,569.03	6,864.89	.39	.15	
Tuscaloosa, Ala	1	....	...	24	24	....	....	5	3	22,500	152	72,000	.....	.....	.....	27,510.33	9,976.20	.38½	.13½	No samples received.
Montgomery	1	2	...	60	60	....	25	15	16	48,000	.....	124,000	.....	4.24	3.30	51,748.33	16,895.02	.41⅔	.13⅔	
Columbus, Ga	1	2	...	13	13	....	7	4	8	18,000	56	60,000	.....	3.12	2.18	21,930.22	9,338.01	.36½	.15⅛	
Richmond	1	1	...	61	61	8	12	19	12	58,320	.....	256,210	.....	6.29	4.27	84,518.06	28,172.68	.33	.11⅛	

a Bureau rule, one-third lime or ashes, one-third ammoniacal matter, and one-third other matter.
b The cost per cubic foot includes all charges of construction, &c.

The laboratory analyses, as above quoted, are checked by leaching or working the earths as in the final manufacture. These checks indicate results within 15 to 20 per cent. of average laboratory analyses. The average age of the beds in the C. S. nitriaries is from twenty-seven months at Columbia to sixteen months at Talladega. Some scientific authorities give as high as 8.6 ounces to the cubic foot in beds thirty-six months of age as the maximum yield of French nitriaries. Barruel and Dumas, however, place the average at nearer 4 ounces. The maximum yield of the Swedish and Prussian nitriaries, noted in Europe for their success is also placed at 4 ounces to the cubic foot for the same period by Dumas. If due allowance be made for the difference in age, better results may be confidently claimed for the C. S. nitriaries.

Cave earths average about 6 to 12 ounces to a cubic foot; in plantation earths the average is from 2 to 4 ounces. The 238,907 pounds North Carolina niter have been obtained from earths averaging about 3 ounces per cubic foot. In the several nitriaries potash and fuel are being collected to guard against contingencies, but true policy demands that the nitriaries should be held as a last reserve, being secure from ordinary accidents and especially fire.

Respectfully submitted.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

C.—*C. S. Niter and Mining Bureau—Iron return from January 1, 1863, to September 30, 1864.*

State.	Force employed.			Returns of iron received by Bureau officers (in tons).												Remarks.
	White.		Slaves and free negroes.	Receipts during first, second, and third quarters, 1864.						Total receipts to date.						
	Reserves.	Conscripts.		Pig (2,240 pounds).	Bloom (2,000 pounds).	Rolled (2,000 pounds).	Hammered (2,000 pounds).	Skelp (2,000 pounds).	Scrap (2,240 pounds).	Pig (2,240 pounds).	Bloom (2,000 pounds).	Rolled (2,000 pounds).	Hammered (2,000 pounds).	Skelp (2,000 pounds).	Scrap (2,240 pounds).	
Virginia	96	814	941	1,265.0	128.7	152.3	51.5	1	228.6	6,896.7	403.8	1,943.5	59.6	7.4	839	Maj. John Ellicott. } Lieut. Col.
North Carolina	22	398	623	602.0	284.5	.....	86.0	.....	.....	909.0	569.6	.....	141.6	.....	.....	Maj. J. Ellicott and Captain Brenizer. } R. Morton in charge of division.
South Carolina	....	117	363	20.0	.....	150.0	.....	.....	.....	20.0	.....	150.0	.....	.....	.....	Capt. A. Green.
Alabama	35	454	2,288	4,866.0	22.0	1,047.7	7.6	.....	.....	10,230.1	22.0	2,124.7	28.2	.....	.....	James T. Pettit. } Lieut. Col.
Georgia *a*	....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	485.4	.....	.....	200	Capt. F. H. Smith. } W.R. Hunt in charge of division.
Mississippi	....	.....	.....	.....	.....	.....	.....	.....	.....	30.1	.....	.....	.....	.....	.....	James T. Pettit.
Tennessee	....	269	.....	43.4	.....	8.9	40.0	.....	.....	245.0	.....	8.9	40.0	.....	.....	Maj. T. J. Finnie.
Trans-Mississippi *b*	....	104	342	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	T. G. Clemson and Capt. G. M. Helm.
Total	....	.....	.....	6,796.4	435.2	1,358.9	185.1	1	228.6	18,330.9	995.4	4,712.5	269.4	7.4	1,039	

a Destroyed.

b Returns not received. Three furnaces in blast.

A large portion of the Virginia conscript force was for a long time in the lines of the enemy, being cut off by their advance down the Valley while the furnaces were in blast. Ten of the furnaces having been burned, much of this force is still employed on reconstruction.

OTHER METALS.

Metal.	From whence obtained.	Pounds.
Copper *a*	Chiefly from Ducktown Mines, Tenn., now in hands of enemy	746, 805
Lead	From Union Lead Mines, Wytheville, Va., and Silver Hill Mines, N. C	1, 610, 264
	From Trans-Mississippi Department:	
	Pig lead (scrap and Mexican included with Arkansas lead)	360, 587
	Scrap lead, collected	537, 228
	Total amount produced in Confederate States	2, 508, 079
	Imported 19,575 pigs, averaging about 75 pounds each	1, 368, 125
		3, 876, 204

a Amount of imported copper so small no entry is made.

SULPHUR.—The sulphur supply still holds out, but to guard against fire and other contingencies sulphur furnaces are continued on a small scale with deliveries at present averaging about 4,000 pounds per month.

ZINC.—Furnace was in operation at Petersburg; works suspended because of proximity of enemy.

SULPHURIC ACID.—Sulphuric acid chambers are in operation at Charlotte, N. C., with average yield of from 4,000 to 5,000 pounds per month.

Respectfully submitted.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

D.—*Return of officers of the niter and mining service, September 30, 1864.*

Name and rank.	Where stationed.	Assignment.
Col. I. M. St. John	Richmond	Chief of Bureau.
Lieut. Col. Richard Morton	do	In charge of niter and general mining service, Virginia, North Carolina, and Tennessee.
Lieut. Col. W. R. Hunt	Selma, Ala	In charge of iron service, Georgia, Alabama, and Mississippi.
Maj. Isaac Read	San Antonio, Tex	In charge of niter and general mining service, Trans-Mississippi Department.
Maj. John Ellicott	Richmond	Iron service and Government furnaces, Virginia and North Carolina.
Maj. T. J. Finnie	Wytheville, Va	Niter and Mining District No. 7, West Virginia and East Tennessee.
Maj. James F. Jones	Staunton, Va	Niter and Mining Districts No. 4, Valley of Virginia.
Maj. C. R. Barney	Greensborough, N. C	Niter and Mining District No. 5, North Carolina.
Capt. F. H. Smith	Montgomery, Ala	Iron service, assistant to Colonel Hunt.
Capt. William Gabbett	Blue Mountain, Ala	Niter and Mining Districts Nos. 8 and 9, Upper Alabama and Tennessee.
Capt. R. H. Temple	San Antonio, Tex	Mexican niter.
Capt. H. F. Reardon	Richmond	Disbursing officer and in charge of contracts.
Capt. R. C. Morton	Fincastle, Va	Niter and Mining District No. 3, West Virginia.
Capt. John W. Pearce	Jonesborough, Tenn	Niter and Mining District No. 7, assistant to Major Finnie.
Capt. B. A. Stovall	In the field	Georgia and Upper Alabama, assistant to Captain Gabbett.
Capt. S. Chalaron	Richmond	Nitriaries and foreign correspondence.
Capt. J. R. Hale	In the field	Georgia.
Lieut. R. L. Sprigg	Rio Frio, Tex	Assistant to Major Read.
Lieut. Ed. Harrison	San Antonio, Tex	Do.
Lieut. J. A. Higgason	Killed or captured	
Lieut. J. H. Matthews	Columbus, Miss	Assistant to Professor Price.
ON DETACHED SERVICE.		
Lieut. J. C. Clemson	Captured	
SCIENTIFIC ARM OF CORPS.		
T. G. Clemson	Shreveport, La	Supervisor of mines, Trans-Mississippi Department.
N. A. Pratt	Augusta, Ga	Bureau chemist.
Joseph Le Conte	Columbia, S. C	Consulting chemist.
D. K. Tuttle	Abingdon, Va	Superintendent Niter and Mining Districts Nos. 1 and 2 and lead mines.
W. H. C. Price	Montgomery, Ala	Superintendent Niter and Mining District No. 10, Alabama.
F. S. Holmes	Charleston, S. C	Superintendent Niter and Mining District No. 6, South Carolina.
John Le Conte	Columbia, S. C	Superintendent Niter and Mining District No. 6½, South Carolina.
Edmund Harrison	Near Richmond	Superintendent nitriaries in Virginia.
R. B. Gorsuch	Selma, Ala	Inspector of mines and furnaces.

Respectfully submitted.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

PARIS, AVENUE GABRIEL 48,
October [*1*], *1864.*

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Our last was of July 7 (No. 6), advising you that an arbitration had been ordered relative to the accounts of Messrs. Isaac, Campbell & Co., and that an adjourned interview between Mr. McRae and Mr. Saul Isaac was to take place the following week. We have now to add that that interview was without favorable result, as was also a preliminary arrangement entered into between Mr. Isaac and Major Huse, which the latter thought would lead to a settlement on terms which we could approve.

These efforts to settle by compromise have resulted only in loss of time, and the solicitors have been instructed to proceed with the arbitration without further delay. We regret this, as we fear from the various conversations with the solicitors that an arbitrator will decide the Austrian rifle item against the Government, in consequence of the failure of Major Huse to give the notice required in the contract.

The general holiday enjoyed by gentlemen of the legal profession in England during the months of August and September has prevented any further progress being made up to this date.

We have had no answer from you to our dispatch No. 5, of March 17, but we understand from Major Huse that he has received from home an official communication indorsing his conduct. It was not our intention in that dispatch to clear him from blame, but to relieve him from any charge of collusion, and to place before you the difficulties he had had to encounter, and the good he had done and tried to do as palliative or offsets against his errors and mistakes. If our dispatch conveys more than this to your mind it has gone further than we intended. We wished to keep from speaking too severely of his mistakes, because of the difficulties of his position, but not to indorse or overlook them.

In the accounts submitted by Major Huse there appeared, as per report of Ball, Quilter & Co., a balance against him to August 14, 1863, of £2,215 14s. 2d. from moneys drawn here. We have no data upon which to express any opinion in his accounts since that date. It would seem to us advisable, however, that Major Huse be instructed to submit his accounts since 14th of August, 1863. If this is done, the parties authorized to make the investigation, as well as Major Huse, should be formally instructed as to the wishes of the Government. We would suggest also that some additional allowance over his pay, commutation, &c., be made to cover the expenses he has been compelled to incur for the performance of his duty and the support of his family, in which, from all we can learn, he has not been extravagant.

With much respect, your obedient servants,

C. J. McRAE.
M. H. BLOODGOOD.

[First indorsement.]

DECEMBER 8, 1864.

Returned for consideration. Major Huse has received no official indorsement from this Department.

J. A. S.

[Second indorsement.]

DECEMBER 29, 1864.

Ordnance Bureau for notice.

J. A. S.,
Secretary of War.

[Third indorsement.]

ORDNANCE BUREAU,
December 29, 1864.

Respectfully returned to the Honorable Secretary of War.

The following indorsement of the Honorable Secretary of War

appears on letter of Major Huse of March 12 to the Bureau, and referred to the Honorable Secretary April 20:

All the communications from Messrs. McRae and Bloodgood, official and unofficial, acquit Major Huse of any charge of intentional error and of any malfeasance of any kind, and testify to his zeal, energy, and personal honor.

J. A. CAMPBELL,
Assistant Secretary of War.

J. GORGAS,
Chief of Ordnance.

[Fourth indorsement.]

DECEMBER 30, 1864.

SECRETARY OF WAR:

The correspondence of Messrs. McRae and Bloodgood acquitted Major Huse of intentional error and malfeasance, and testified to his zeal, energy, and honor in April last. But the papers since the date of that letter, while exonerating Major Huse from any criminality or dishonor, diminish materially the character given to him as an efficient and capable officer. They attribute to his failure to give notices and to his facility in his dealings with Isaac, Campbell & Co. large losses, and their estimate is that his merits and demerits being considered, that upon the whole he is not a subject for severe censure. My indorsement was made upon early reports and correspondence, and I have been advised that in the progress of the investigation their judgment has been modified.

J. A. CAMPBELL,
Assistant Secretary of War.

[Fifth indorsement.]

DECEMBER 31, 1864.

For conference with Assistant Secretary.

J. A. S.

SCHEDULE No. 13.

OFFICE BOARD OF COMMISSIONERS FOR IMPRESSMENT,
La Grange, Ga., October 1, 1864.

In accordance with the act of Congress to regulate impressments, the following schedule of prices for produce and army supplies at the places of impressment or purchase is agreed upon and published by the Board of Commissioners for the State of Georgia, to continue in force until the 1st day of December, 1864, unless sooner altered:

Articles and quality.	Description.	Quantity.	Price.
Apples	Dried	Per bushel of 28 pounds	$3.50
Axes	With handles	Each	7.00
Do	Hand	Average	6.00
Bacon	Sides	Per pound	1.50
Do	Hams	do	1.25
Do	Shoulders	do	1.15
Beans		Per bushel of 60 pounds	3.00
Beef-cattle		Per pound, gross	.26
Brandy	Peach or apple	Per gallon	3.50
Barrels	Flour	Each	3.00
Do	Molasses, 40 gallons	do	5.00
Bricks		Per thousand	25.00
Chains	Trace	Per pair	7.00
Corn	Shelled	Per bushel of 56 pounds	2.25
Do	Unshelled	Per bushel of 70 pounds	2.13
Corn-meal		Per bushel of 48 pounds	2.25
Coffee	Rio	Per pound	6.00
Candles	Tallow	do	1.88
Flour	Superfine	Per barrel of 196 pounds	30.00
Do	Fine	do	22.50
Fodder	Baled	Per cwt	2.25

Articles and quality.	Description.	Quantity.	Price.
Fodder	Unbaled	Per cwt	$2.05
Hogs, fat	Net	do	75.00
Do	Gross	do	60.00
Hogs, unfatted	do	do	52.50
Hay	Native grass, baled	do	2.25
Do	Native grass, unbaled	do	2.00
Do	Timothy or clover, baled	do	3.00
Do	Timothy or clover, unbaled	do	2.75
Hides, good	Dry	Per pound	1.88
Do	Green	do	.94
Horses	First-class artillery		750.00
Do	Second-class artillery		600.00
Do	Third-class artillery		450.00
Do	First-class cavalry		
Do	Second-class cavalry		
Do	Third-class cavalry		
Iron	Pig, Nos. 1, 2, 3, average	Per gross ton	110.00
Do	Square or round	Per net ton	450.00
Do	Flat or band	do	400.00
Do	Hoop	do	550.00
Do	Boiler plate	do	625.00
Do	Serviceable railroad T	Per gross ton	210.00
Do	Unserviceable railroad T	do	100.00
Do	Trap rail railroad T	do	150.00
Jeans, country		Per yard	10.00
Kettles	Camp, iron	Per pound	1.50
Lard		do	1.31
Leather	Harness	do	3.75
Do	Sole	do	3.75
Do	Upper		4.50
Lumber	Square	Per 1,000 feet	40.00
Do	Rough edge	do	20.00
Molasses	Cuba cane	Per gallon	6.00
Do	Chinese cane	do	3.00
Mules	First class	Each	600.00
Do	Second class	do	525.00
Do	Third class	do	375.00
Oats	Baled	Per cwt	1.88
Do	Unbaled	do	1.69
Do	Shelled	Per bushel of 34 pounds	1.88
Onions		Per bushel	5.00
Potatoes	Irish	do	4.00
Do	Sweet	Per bushel of 60 pounds	1.75
Peas		Per bushel	3.00
Peaches	Dried, peeled	Per bushel of 38 pounds	5.00
Pans	Mess, sheet iron	Per pound	1.50
Rye		Per bushel of 56 pounds	3.75
Rice		Per pound	.20
Sugar, brown	Common	do	1.75
Do	Fair	do	1.90
Do	Fully fair	do	2.00
Do	Prime	do	2.55
Do	Strictly prime	do	2.50
Do	Choice	do	2.80
Do	Extra choice	do	3.00
Do	Clarified	do	3.50
Sugar, white	do	do	4.00
Salt		Per bushel of 58 pounds	7.50
Socks	Woolen	Per pair	2.00
Do	Cotton	do	1.50
Soap	Hard	Per pound	.75
Do	Soft	do	.37½
Shoes	Army	Per pair	15.00
Shovels		Per dozen	80.00
Spades		do	80.00
Sheep	Sheared	Each	15.00
Do	Unsheared	do	20.00
Shucks	Baled	Per cwt	1.50
Do	Unbaled	do	1.25
Tallow		Per pound	1.31
Tea	Black	do	10.00
Do	Green	do	15.00
Vinegar	Cider	Per gallon	1.50
Do	Manufactured	do	.60
Wheat		Per bushel	5.63
Wheat straw	Baled	Per cwt	1.00
Do	Unbaled	do	.75
Whisky		Per gallon	3.50
Wool	Washed	Per pound	4.00
Do	Unwashed		3.00
Wagons	Wooden axle, 4 horse	Each	350.00
Do	Iron axle, 4-horse	do	450.00
Do	Wooden axle, 2-horse	do	250.00
Do	Iron axle, 2-horse	do	350.00

LABOR.

	Unit.	Price.
Hauling	Per cwt. per mile	$0.05
Hire of 2-horse team, wagon, and driver:		
Rations furnished by owner	Per day	10.00
Rations furnished by Government	do	7.00
Hire of 4-horse team, wagon, and driver:		
Rations furnished by owner		12.50
Rations furnished by Government	Per day	9.00
Hire of 6-horse team, wagon, and driver:		
Rations furnished by owner	do	15.00
Rations furnished by Government	do	11.00
Hire of laborer:		
Rations furnished by owner	do	2.00
Rations furnished by Government	do	1.50
Do	Per month	25.00
Rations and clothing furnished by the Government	do	15.00
Hire of mechanics for mechanical purposes, rations and clothing furnished by Government.	do	30.00
Pasturage	Per head	1.50

N. B.—The following articles are to be paid for under act of Congress regulating manufactures, to wit: Woolen cloths, drills, flannels, hats, Osnaburgs, domestics, shirtings and stripes, sacking, and tent cloth.

All purchasing agents are expected strictly to adhere to the above schedule prices; otherwise they will be reported.

JNO. E. MORGAN,
U. B. WILKINSON,
Commissioners.

EXECUTIVE DEPARTMENT,
Milledgeville, October 1, 1864.

His Excellency Z. B. VANCE:

DEAR SIR: Your communication of 23d of September came to this office by last mail.

While your remarks in reference to State officers are not applicable to this State, where every officer, civil and military, who can possibly be spared and keep the State government in existence, is and for months past has been in military service as part of the militia of the State, they may be, and probably are, applicable to other States.

The questions you present for consideration are grave ones and are well worthy of a consultation on the part of the Governors of the respective States.

It will therefore afford me great pleasure to meet you and the other Governors at such time and place as may be agreed upon. As the Legislature of this State meets the first Thursday in November, and as it is important that I be at home for a few days prior to the meeting to prepare for the session, I respectfully suggest that the meeting be held in Augusta on the 17th of this month. As your letter will probably be received by each before this reaches you, it may be easy to learn by telegraph whether this time will be agreeable. If not, I will, if in my power, conform to the wish and convenience of others.

I do not know where to send the letter you inclosed for Governor Caruthers, of Tennessee. I have sent it to Brig. Gen. M. J. Wright, of Tennessee, who commands the post at Macon, in this State, with request that he forward. It is probably not known to you that Governor Caruthers has never been inaugurated, and that Governor

Isham G. Harris is still the Governor of Tennessee. His address is Macon, care of General Wright, who, I believe, is his brother-in-law.*

I am, very truly, &c.,

JOSEPH E. BROWN.

JACKSON, *October 2, 1864.*

Hon. JEFFERSON DAVIS:

DEAR SIR: I suggest a plan to obtain the return of deserters. The present policy is a failure. Coercion but perpetuates the evil. Good soldiers sent after bad ones not only fail to secure the recreant, but become worthless themselves. The "supporting force," as it is termed, is a nuisance to the people and a deception to the Government. I believe something, at least, may be done by promise and persuasion if judiciously applied. Our State literally swarms with deserters. In my own county, as I know, and in many others, as I am informed, they appeared at the polls in the late election in armed bodies and defied arrest. Ignorance of the consequences involved in our struggle, a hopelessness of success, a dread of the punishment due to their offenses, and pecuniary inability to defray the cost of reaching their commands, I have been brought to believe, prevent many from rejoining the Army. I need not detail the facts which have brought me to this conclusion. I suggest that you appoint certain men in each State who shall address the absentees from the Army specially, giving ample notice of the time and place; that such persons shall be unattended by any armed force, which fact shall be made known, and the further assurance given that no absentee who shall attend such meeting shall in any way be disturbed during the day of such attendance; that such persons be authorized in your name to deliver to each absentee who will return a special pardon for all past offenses. A general proclamation of amnesty is distrusted by the more ignorant and timid. Numbers never hear of it. It involves no direct and individual action or discharge; but the presence of an agent at a certain time in each county, with the authority of your name to place a pardon in every deserter's hand who reports, would impart a pointed, practical sense of safety to the recipient with which published generalities can never impress him. The time preceding the arrival of such an ambassador, after notice of his coming, would be employed in earnest discussion among the people, which would become more intense as the hour of his arrival drew near.

If, by the power of persuasion and the promise of immediate pardon, a deserter should declare his willingness to return to his command, let the agent be further authorized to furnish such soldier with an order for transportation by public conveyances, so as to enable him to reach the Army.

Such a policy, I believe, will result in much good, and will cost the Government nothing save the transportation of those who return to the Army, and that, I presume, we are very willing to pay.

The character, public and private, of the men to whom this delicate duty should be assigned is, of course, of the highest importance. It is also one of great labor and anxiety, which few men will accept and faithfully perform. Constant riding and speaking, especially on such a topic, from day to day, as you are aware, is no mere recreation. But I am not willing to suggest for others what I would not accept

*A mistake. General M. J. Wright was not related to Governor I. G. Harris.

myself. Apart from the hope of doing some good for the "great cause," I should enter upon such a labor with the most extreme reluctance. Money could not tempt me to assume it. I suppose myself to be as fit an instrument for such a work as many men in our State. If, therefore, you see proper to entertain the suggestion and deem it advisable to assign me a portion of the labor, I am subject to your order. I will perform it as well as I can. On one point my policy fails as an immediate resort. The season approaches when such gatherings of the people cannot be obtained. My own health would not bear the rigors of such a campaign in the winter. Early next spring would be most advisable.

As I do not trouble you often with letters, let me avail myself of this opportunity to make some other suggestions. The present system of giving men a surgeon's certificate of inability to enter the field, but recommending them "for light duty," is a farce. No such men are ever so employed, and it is almost impossible they can be. I speak in general terms. Such persons obtain a certificate, report to some camp, and are there furloughed—some for one time, some for another, and some indefinitely. Various departments are required to employ such men and to discharge employés capable of active service. How and where are they to obtain them? There is no person or place to whom or at which they can apply. Consequently they retain the able-bodied men, because they cannot discharge them until others are obtained. This is more than a pretext which would suffice for most officials to retain their friends and favorites. It is a valid excuse. These "light-duty" men prefer to be no-duty men. They are permitted to remain at home in comfort, attend to their business, make money, and if required occasionally to report to camp, are sure to look sick enough for ten minutes to be sent back. Let this class of men be kept in camp; let a register be kept of their ages, diseases, and capacities, and then require all officers to apply to the commandants of these camps for such peculiar assistants as they may need. The excuse now so glibly offered by officials for keeping hearty men around them would be silenced. Again, the "light-duty" men, rather than thus be kept in camp, would ferret out places occupied by able men and cause them to be sent to the field. The evil, I assure you, is a very great one.

I suggest another matter with more diffidence. The subject of the consolidation of companies and regiments was much discussed in Congress while I was there, but nothing, I believe, was ever done in relation to it. State pride, old flags, &c., prevented it. The very small number to which various organizations have been reduced, rendering the position of officers ridiculous, has caused many of them to submit to be ousted from their commands by consolidation without complaint. But the form of orders to such commands is necessarily complex and subjects the Army, officers and men, to uncertainty and confusion. Again, under this tacit deprivation of officers of their commands, the country is filled with supernumeraries who either do nothing or who are assigned to duties which older and feebler men could perform. Cannot such men be forced to the ranks? I think so. The trouble now is that these men cannot be divested of their offices so long as those offices exist. An office is property, and so long as it exists you cannot turn out the legal occupant and put in another person, nor can you impose upon him another duty inconsistent with his discharge of the duties of his office; therefore, as the matter now stands, you cannot conscript as soldiers supernumerary officers. But another

principle is as equally well settled, viz, that an office may be abolished and the officer as a mere adjunct is extinguished with it. If, therefore, a law could be passed declaring all offices under that of colonel, inclusive, abolished, all such officers would at once sink into the character of citizens. To prevent the evil of such a law of course another would have to precede, *pari passu*, authorizing the consolidation of companies and regiments and providing their officers in such manner as might be deemed best. To declare the oldest officers in date or commission officers of the consolidated organizations would perhaps be most expedient. The details of such a measure are, I think, not difficult to adjust. Upon such consolidation all officers not retained would be liable to conscription—and they ought to be. To hope that they will organize themselves into companies is delusive. They had rather do nothing. I offered a bill to abolish the office of second junior lieutenant everywhere. It was defeated. Can that officer not be spared? Such a step would add at least 3,000 men to the ranks.

Again, the pardoning power, as exercised by commanding generals over the sentences of military courts, demands some restriction. My observation and experience enable me to speak with some confidence. To convict a soldier of any offense, who has social position, friends, and influence, is but a mockery of form. When I entered upon my present duties I resolved to perform them firmly and sternly. I have done so. With the view of awakening among the soldiers a just dread of the court, I urged the infliction of emphatic punishment upon the first offenders arraigned as the best means of securing discipline and preventing crime. They were thus punished and the sentences ordered to be read on three several days before their regiments. Among them were two young men of family and fortune, who were defended by able counsel; both of them barely escaped conviction for desertion, but were found guilty of absence without leave. Active measures were immediately taken to have them pardoned, and in a few days they were both parading the streets with their friends. Several poor, plain men, who could not pay counsel nor provide petitions and affidavits, convicted at the same time, are now undergoing punishment. It is a shame in the eyes of justice and fairly engenders the most hostile and unhappy spirit among the poor men of the Army. No general should be permitted to entertain an application for pardon or the mitigation of a sentence until the papers upon which such application is based have been submitted to the court pronouncing the sentence for its indorsement. If the evil can be remedied by order I suggest that it be issued.

One word more: and in this, at least, I can claim sincerity if not sagacity. I cannot see why myself and all officers similarly situated, when absent from the field, should be entitled to draw commutation for rooms if quarters are not furnished; nor why colonels should have commutation for five, captains for three, &c. If quarters adequate to the duty required cannot be furnished and the officer obtains them, let the cost, if reasonable, be paid by the Government. A half dozen officers on duty at a post all live in same house, pay a trifle, and each obtains commutation for the whole house. It virtually adds to the pay of men who live in houses, above those who suffer the danger and discomfort of the field. This is not right, some way, though I don't know enough about such matters intelligently to suggest a remedy.

The infernal hydra of reconstruction is again stirring its envenomed heads in our State. If disasters intervene between this time

and next autumn, you may anticipate a contest in Mississippi which will tax the powers and pain the souls of the "good men and true." Of those who "would count all things but loss" in the absorbing interest of that struggle, I can number in our State but a "Spartan band," whilst the timid, the traitor, and the time-server are "legion."

May the Almighty impart to you His wisdom, and nerve you with His strength in the discharge of the solemn trust committed to your keeping by a confiding people.

Your friend,

JAMES PHELAN.

[First indorsement.]

NOVEMBER 8, 1864.

Adjutant-General for remarks, &c.

J. D.

[Second indorsement.]

NOVEMBER 22, 1864.

Respectfully returned to the President.

I have been prevented from making my remarks on the within suggestions of the Hon. Mr. Phelan at an earlier day by the press of other official and important matters. I highly approve his suggestions, and believe if they are carried out with the spirit in which he has inaugurated them they will prove highly beneficial to the cause and be the means of filling our Army with recruits, which will enable us to cope with the hordes of the enemy on the most favorable terms for the benefit of that cause. But this may not be done except by the free-will offering of the most influential and distinguished men of the South, "without money and without price." If they will come forward in the spirit of patriotism for the noble cause in which they are equally concerned with those who are fighting the battles of the Confederacy and will freely give their aid to that cause, much good may be accomplished, and we may then by their efforts and the blessing of God secure our independence.

The Government has no pecuniary means to appropriate to this object, and if it had they should not be expected from it by those who are willing to do the work. All that can be expected, reasonably, is that it should give a willing consent to the measures proposed.

S. COOPER,
Adjutant and Inspector General.

ENTERPRISE, *October 2, 1864.*
(Received 4th.)

General S. COOPER,
Adjutant and Inspector General:

The following communication has been received from Governor Clark:

The State of Mississippi has to defend herself in future. For this defense I promise to secure volunteers for six months without regard to age, if mustered into service previous to enrollment or conscription. I have no doubt of my right to them as troops of war of the States. The commandant of the State addressed General Preston on the subject on 25th August, but has had no reply.

As this insures a conflict with the State authorities I desire your instructions.

W. L. BRANDON,
Brigadier-General.

HEADQUARTERS RESERVE FORCES, SOUTH CAROLINA,
Columbia, October 3, 1864.

Hon. J. A. SEDDON,
Secretary of War, Richmond, Va.:

DEAR SIR: Induced by the conviction, which I believe impresses your own mind, that we have now imperative need in the field for every man who is able to bear arms, and that such need is likely to continue for another campaign at least, I feel assured you will pardon me for any suggestion I may make in reference to the subject. In my opinion there are several sources within our reach from which an appreciable force can be readily obtained. They will be found, first, in the class of able-bodied overseers of conscript age throughout the country. By the law of 1863 planters, &c., were permitted to purchase from the Government overseers liable to and fit for service. In this class there certainly are many. The time of such exemption has, perhaps, nearly expired, but still it may be well to issue an order directing the generals of reserves in the several States to have these overseers enrolled and sent to the field at the earliest day practicable.

The same rule and order might be applied to a second class, namely, those who, under the act of Congress, 17th of February, 1864, contracted for overseers by giving bonds for meat, &c. The only exceptions I would make in this class would be in cases of farmers, *soles*, persons over seventy years of age, and those actually in service in the field. I think justice and the public necessity would require such exceptions. It is not necessary that I should elaborate this opinion by any argument.

There is also a third class, which would embrace the Quartermaster's and Commissary Departments. It appears to me that in these departments all the labor that is merely clerical may be done by women, and other descriptions of labor might be performed by disabled men, of whom there are a great number, thus obtaining a considerable force of able-bodied men for the field, while at the same time you do an act of charity and justice to a number of destitute and unprovided females and men who have worthily become proper objects of the public care.

It seems to me to be now absolutely necessary to evoke in the speediest and most effectual manner possible the entire resources and strength of every State in the Confederacy. This, I am persuaded by reason and experience, cannot be done under the existing organization and arrangements of the Commissary and Quartermaster's Departments, no matter how much genius, good sense, and integrity may exist in their respective heads. They are too far from the scene of operations to possess that fullness of knowledge which is necessary to enable them to act with the particularity and efficiency which the necessity of the occasion requires. The field is too wide for suggestions of appointments and for immediate control by the central power. Departmental organization, naturally that of the States, under authority of the Secretary of War, and accountable to the respective heads at Richmond, is essential. If you think the subject worth further consideration I will submit details of the plan which I have in view, and the reasons for its adoption.

Very respectfully, your obedient servant,

JAMES CHESNUT, JR.,
Brigadier-General.

[Indorsement.]

OCTOBER 20, 1864.

Recent orders seek, by a rough but rapid surgery, to meet the evil. I hope they will, if properly enforced, meet most of these suggestions, but I would be very happy to have the benefit more fully of your counsel, and invite the communication of the plan to which you refer.

J. A. S.

SURGEON-GENERAL'S OFFICE,
Richmond, Va., October 3, 1864.

Surg. R. POTTS,
Medical Purveyor, Montgomery, Ala.:

SIR: It has been reported to this office that sorghum seed is a good substitute for grain in the manufacture of whisky. You are instructed to purchase a sufficient quantity to give it a trial, and report to this office the quantity of liquor obtained from one bushel of seed; also its quality and the price paid for the seed.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

GENERAL ORDERS, No. 76. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 5, 1864.*

I. All details heretofore granted under authority of the War Department to persons between the ages of eighteen and forty-five years are revoked, and all such detailed men, together with those within the said ages who hold furloughs or temporary exemptions by reason of pending applications for details, will be promptly assembled at the camps of instruction and appropriately assigned among the armies for service, except that men detailed and now actually employed in manufacturing, providing, collecting, and forwarding munitions and other indispensable supplies for the Army and Navy, or in work indispensable to military operations, will be continued in their present employments until their details shall be revised.

II. The heads of departments and chiefs of bureaus will, within the next twenty days, forward to the generals of reserves lists of all detailed men in their employment in the several States, specially distinguishing and certifying those who are experts and those absolutely indispensable for the performance of the above-mentioned Government work and business; and all detailed employés not so certified within the prescribed period will, upon the expiration thereof, be forthwith assigned to the Army.

III. All persons called out by this order who claim exemption on account of physical disability will be examined by select medical boards after their arrival at the camps of instruction.

IV. All men found for light duty, who are unassigned, will at once report to the camps of instruction under the penalty of being forthwith assigned to the active forces.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 237. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 6, 1864.*

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III. Col. Thomas S. Rhett, Provisional Army, C. S., now on special service abroad, will without delay return to the Confederate States and report to Col. J. Gorgas, Chief of Ordnance, C. S. Army.

* * * * * * *

X. Col. W. R. Gause, Third Missouri Infantry, will proceed with least practicable delay to the State of Missouri and report to Maj. Gen. S. Price for the purpose of raising troops in that State, or such other assignment as may be directed by General Price.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CIRCULAR No. 33. } CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT, BUREAU OF CONSCRIPTION, *Richmond, Va., October 7, 1864.*

By General Orders, No. 76, current series, all details heretofore granted under authority of the War Department through this Bureau to persons between the ages of eighteen and forty-five are unconditionally revoked, and by said general order all such persons now under such details are required to report in person forthwith to such camps of instruction of the respective States as may be designated for assignment by the generals commanding the reserve forces to military service.*

Under this order all farmers, planters, mechanics, and others holding details by authority of the War Department or of local conscription officers are required forthwith to repair to the camps of instruction.

Officers engaged in the conscription service are required promptly and with inexorable vigor to withdraw all such details as are herein indicated and move the persons hitherto detailed to the camps of instruction for assignment to service. No appeals from this order will be entertained by the Secretary of War unless approved and forwarded through this Bureau by the generals commanding the reserve forces.

Applicants for detail will not be furloughed during the pendency of their applications, but will be assigned to the Army.

Circular No. 8, Bureau of Conscription, March 18, 1864, having been rendered nugatory by subsequent general orders from the Adjutant and Inspector General's Office, is hereby revoked.

By command of the Secretary of War:

C. B. DUFFIELD,
Assistant Adjutant-General.

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* A full paragraph of this circular is so mutilated in the only copy in possession of the War Department that it is impossible to publish it.

HEADQUARTERS GLENN'S CAVALRY,
Greensborough, Ga., October 7, 1864.

His Excellency JEFFERSON DAVIS,
Richmond, Va.:

MR. PRESIDENT: Upon recent application I have been authorized to raise a brigade of cavalry of reserves and non-conscripts in North Georgia. I have two regiments very nearly completed. There is no doubt I will succeed with them. They are being raised in the State east of Atlanta. There are a great number of soldiers belonging to commands raised in North Georgia now absent in that region who are there without leave, called deserters. I know from my influence with the citizens and soldiers in that region that I can induce hundreds of them to return to our service. I am not mistaken when I assert that I can bring more of them out than any other person. I am very anxious to do so. I will do so under any order that may be issued by the War Department or any authority that may be granted to accomplish the desired object. If I were permitted to announce that they would be reorganized as mounted infantry, and serve under me and in my brigade, I hazard nothing in saying that I can get a thousand or greater number to return to our service who will otherwise be lost to it. If I can't be permitted to retain them under me, I desire to bring them out so as to verify my assertion of influence with them. I would not have addressed you personally but for the fact that recent occurrences in the Army of Tennessee, resulting in my trial and removal from my position as colonel Thirty-sixth Georgia, would prejudice my statements as to my influence with the citizens and soldiers of North Georgia with the Secretary of War, who has not seen the testimonials from officers and soldiers, and from the citizens who reside in Upper Georgia, where I have been raised, and which I submitted to Your Excellency in the record in that case. The result of that case has not in the least impaired my influence with them. It is hard for them to believe that I would do wrong intentionally; besides, the recent desertion of the principal witness against me in presence of the enemy, then a private, but at the time of his desertion a lieutenant in Thirty-sixth Georgia, Thomas M. Lane, has made in my favor rather than against me. Please excuse this digression.

Hoping that you will give such directions in the premises as will authorize me to use my influence to get those of our soldiers to return in North Georgia who are there without leave,

I am, very respectfully, your obedient servant,

JESSE A. GLENN.

[First indorsement.]

Respectfully submitted, by direction of the President, to the Honorable Secretary of War for the proper attention.

BURTON N. HARRISON,
Private Secretary.

[Second indorsement.]

OCTOBER 19, 1864.

ADJUTANT-GENERAL:

Whence did this officer obtain his authority to raise a brigade of cavalry from the reserves in North Georgia? Let him be instructed that no authority can be granted him to recruit deserters or to compound with them otherwise than by encouraging them to return to

their companies, and giving them a hope by voluntary return of being treated with leniency. If he can bring out any deserters he will do good service by forwarding them to their commands.

J. A. S.,
Secretary.

[OCTOBER 7, 1864.—For Cobb to Cooper, reporting measures taken to get men on detailed service into the field see Series I, Vol. XXXIX, Part III, p. 801.]

[OCTOBER 7, 1864.—For Beauregard to Davis, relating to settlement of matters between Governor Brown and General Cobb, relating to exempts and State militia, and action of President Davis and Secretary Seddon thereon, see Series I, Vol. XXXIX, Part III, p. 800.]

GENERAL ORDERS, No. 77. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 8, 1864.*

The following will supersede General Orders, No. 76, present series, which are hereby revoked:

I. All details heretofore granted under authority of the War Department to persons between the ages of eighteen and forty-five years are hereby revoked; and all such detailed men, together with those within the said ages who hold furloughs or temporary exemptions by reasons of pending applications for detail, will be promptly assembled at the camps of instruction and appropriately assigned among the armies for service; except that men detailed and now actually employed as artisans, mechanics, or persons of scientific skill (and those detailed and now engaged in the manufacture, collection, and forwarding of indispensable supplies for the Army and Navy) will be continued in their present employments until their respective details be revised.

II. The heads of departments and chiefs of bureaus will immediately forward to the generals of reserves in the several States lists of all detailed men in their employment in the said States, certifying in each case of a person between eighteen and forty-five years those who are experts and absolutely indispensable for the public service, specifying the employment of each individual; and all detailed employés who are between the ages of eighteen and forty-five years not so certified within the prescribed period will be forthwith assigned to the Army. A duplicate of the above lists will at the same time be furnished to the Adjutant and Inspector General for the action of the Secretary of War.

III. All persons called out by these orders who claim exemption on account of physical disability will be examined by select medical boards at the camps of instruction.

IV. All men found fit for light duty, and who are unassigned, will at once report to the camps of instruction, under the penalty of being forthwith assigned to the active forces.

By order:

S. COOPER,
Adjutant and Inspector General.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, October 8, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: The act of Congress passed February 17, 1864, provides for the enrollment of the free negroes, who are held liable to perform certain duties with the Army in hospitals, in work upon fortifications, &c. The Secretary of War is also authorized to employ 20,000 male slaves, by hire or impressment, for similar purposes, and all are to be provided with rations and clothing, under rules to be established by the War Department. As yet nothing has been done to execute this act, so far, at least, as it relates to clothing. I would respectfully suggest, therefore, in anticipation of same, that in the important items of blankets, shoes, and woolen garments each bureau be required to provide for the free negroes and slaves employed by it. The act does not put this burden upon the Quartermaster's Department, and calls recently made upon it preparatory to the coming winter show that it cannot safely assume it. Summer clothing and cotton pants, shirts, drawers, socks, and caps this department can supply, but in regard to the other articles it is simply reduced to this: Shall soldiers in the field be supplied, or shall these indispensable articles go to the negroes? To meet the present demand for men in the field, blankets, shoes, and woolen goods have to be drawn in large quantities from abroad. In procuring them from there it is only a question of money, and as each bureau has its fund abroad, can purchase there without the risk of competition, and enjoys equal facilities in all respects with this for bringing the supplies in, the arrangement proposed appears to be both expedient and just. There is now ample time to provide what is needed. The market at Nassau is overstocked with all the articles referred to, and in making purchases the services of either Mr. Heyliger or Major Waller can be availed of.

Your obedient servant,

A. R. LAWTON,
Quartermaster-General.

[First indorsement.]

Quartermaster-General for conference.

J. A. S.

[Second indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, November 5, 1864.

Respectfully returned to the Secretary of War in accordance with his suggestion, with the following draught of the proposed general order:

1. When free negroes are enrolled or slaves are hired or impressed under the act of February 17, 1864, and assigned to service with the bureaus of the War Department, each bureau will pay the negroes so assigned upon the forms and in the same manner as other employés are now paid. The negroes enrolled will be paid $11 a month, and slaves hired or impressed schedule rates, as prescribed by the State commissioners.

2. Each bureau will also provide such negroes and all other employés in its service with the necessary woolen shirts, jackets, and pants, and blankets, overcoats, and shoes. Cotton pants, shirts, drawers, socks, and caps will be provided by the Quartermaster's Department on requisitions made quarterly, showing the number of

the employés to be supplied, and submitted for the approval of the Quartermaster-General. In purchasing these supplies abroad any bureau may avail of the services of the purchasing quartermaster at Nassau or in England.

A. R. LAWTON,
Quartermaster-General.

RICHMOND, *October 8, 1864.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

DEAR SIR: I do not feel comfortable at being idle in times like these, and yet am not able to shoulder a gun in field service, or I would ere this have been with the brave battalion of my Maryland boys, who have shown such devotion under General Lee. To attempt to carry out the contemplated organization of the Maryland troops in the Valley would now be attended with more labor and with less results than in the spring, and for that and other reasons I think it best for the public interest not to press the matter at this time. My attention has frequently been called to the probable intention of the Government to organize a secret-service corps in connection with or to embrace the Signal Corps. If such be the case, and the matter is open, and you feel at liberty to intrust me with the command, I feel confident that I can render efficient service quite commensurate with the expenditure to be incurred. Should I fail to do so, or to come fully up to your expectation, you may rely upon it that I will promptly and voluntarily surrender the trust without waiting to have my commission revoked. My view would be to organize a full regiment of Marylanders not owing service to the Confederacy, not in service, many of whom I feel confident I can bring over the border to organize a corps of heavy artillery to be available on the Potomac, and thus by the activity and energy of the material I should embody I think the navigation of the Potomac by transports could be materially embarrassed at important moments, if deemed necessary by General Lee, and the communication between Grant and Washington, and also between that officer and his troops in the Valley, carried on principally by telegrams along the Potomac country, severed and interfered with, so as to make it comparatively useless when most needed. My relations with men on the other side, their sons being with me, and my knowledge of men and things up to the Canada line, would very materially facilitate such operations.

I do not, of course, know if the plans I suggest are within your province to have executed, but I beg respectfully to suggest them for your consideration. If anything of the kind is to be done, it would, of course, be desirable to enter upon it as soon as practicable.

I am, very respectfully, dear sir, your most obedient servant,
GEO. P. KANE.

[First indorsement.]

Secretary of War for remarks.

J. D.

[Second indorsement.]

OCTOBER 18, 1864.

Respectfully returned to the President.

I had not contemplated such organization for secret service in connection with the Signal Corps, supposing the latter fully engrossed in

their legitimate duties. The organization of a regiment of Marylanders not liable to service would be very acceptable, but I should not recommend them to be used with heavy artillery on the Potomac, as I do not think they could maintain their positions there. They would certainly provoke attack, and might induce a destructive expedition into the Northern Neck of Virginia.

J. A. SEDDON,
Secretary.

[Third indorsement.]

OCTOBER 19, 1864.

So much of the plan as proposes to raise a regiment of Marylanders from men not in the service, and who do not owe service to the Confederate States, is approved. To arm them as heavy artillery would defeat the object in view, as they would then necessarily remain with an army by which they could be supported, heavy artillery being least of all arms qualified for separate operations. Either for the special service indicated or for service with other troops, according to their character, I would be glad to have such a regiment as is described within.

J. D.

[OCTOBER 8 and 29, 1864.—For Lee to Vance, in relation to getting the reserves of North Carolina into service, see Series I, Vol. XLII, Part III, pp. 1141, 1183.]

MERIDIAN, *October 10, 1864.*

SECRETARY OF WAR:

Shall I permit cotton in hands of Governors of States, and belonging to State governments, to pass lines in exchange for State supplies?

R. TAYLOR,
Lieutenant-General.

SPECIAL REQUISITION.

For ..... Five thousand dollars.

I certify on honor that the above requisition is correct and just, and that the money is absolutely necessary for the public service, made so by the following circumstances, to wit: It is needed to purchase supplies for the comfort and subsistence of the sick and wounded in Walker Hospital, Columbus, Ga., under my charge.

CARLISLE TERRY,
Surgeon, Provisional Army, C. S.

Received at Columbus, Ga., this 10th day of October, 1864, of Capt. J. H. Graybill, assistant commissary of subsistence, the sum of $5,000 in full of the above requisition, to be charged against Walker Hospital fund.

[First indorsement.]

OFFICE POST COMMISSARY,
Columbus, October 10, 1864.

Respectfully returned to Surg. C. Terry.

I have no funds for hospitals or for any other purposes. The district commissary has made repeated efforts to get funds from Richmond to supply this and other posts in his district, but thus far has received no funds.

Respectfully,

J. H. GRAYBILL,
Captain and Assistant Commissary of Subsistence.

[Second indorsement.]

OFFICE WALKER HOSPITAL,
October 10, 1864.

Respectfully forwarded.

Unless some arrangement can be made by which funds can be obtained for the purchase of comforts for sick and wounded in hospital great injury to public service and loss of many valuable lives must ensue. It is perfectly useless to attempt to treat such diseases as prevail most commonly among soldiers unless suitable diet can be provided, as a great proportion of the diseases arise from the exposure and diet of the camp. I have raised money for this hospital on my own personal security until I can do so no more. I forward this to relieve myself from responsibility on account of suffering which will ensue in my hospital and in hopes that if the case is presented to proper authority some remedy may be had.

CARLISLE TERRY,
Surgeon in Charge.

[Third indorsement.]

OFFICE MEDICAL DIRECTOR OF HOSPITALS,
Columbus, Ga., October 11, 1864.

Respectfully forwarded to the Surgeon-General.

Unless some remedy is applied soon the hospitals of this department will have to furlough all their inmates to secure for them appropriate diet. If the Treasury Department does not furnish the currency the sick and wounded cannot be fed.

S. H. STOUT,
Medical Director.

[Fourth indorsement.]

SURGEON-GENERAL'S OFFICE,
October 25, 1864.

Respectfully referred to the Secretary of War, requesting his perusal of these indorsements and urging that measures be adopted to enable surgeons in charge of hospitals to feed the sick and wounded. The evils resulting from a failure to supply them cannot be exaggerated.

S. P. MOORE,
Surgeon-General C. S. Army.

[Fifth indorsement.]

OCTOBER 27, 1864.

COMMISSARY-GENERAL:

Why cannot funds be furnished? The Secretary of the Treasury honors requisitions now.

J. A. S.,
Secretary.

[Sixth indorsement.]

Respectfully returned to the Honorable Secretary of War.

Money has been sent Major Allen, commissary of subsistence, Columbus, Ga., which would have arrived in time to meet Doctor Terry's requisition but for the fact that no warrants were issued from the Treasury from September 7 to October 7.

As long as this Bureau has, as has been the case for several months, upward of $30,000,000 of unhonored requisitions there must be a delay of at least two months in supplying funds. The Honorable Secretary of War is urgently requested to remedy this evil if possible by enabling this Bureau to obtain more currency from the Treasury, the amount of non-taxable bonds and certificates of indebtedness issued to the Subsistence Bureau being [more] than that for all other bureaus of this Department combined. I had not been previously informed of the improved condition of the Treasury intimated by the indorsement of the Honorable Secretary of War.

L. B. NORTHROP,
Commissary-General of Subsistence.

[OCTOBER 10, 1864.—For Lee to Cooper, in relation to the operation of General Orders, No. 76 (see p. 712), in strengthening the armies in the field, see Series I, Vol. XLII, Part III, p. 1144.]

GENERAL ORDERS, No. 78. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 11, 1864.*

I. The attention of officers and soldiers is specially directed to the thirty-fourth article of Army Regulations, and General Orders, No. 3, 1863. The rapidly increasing correspondence of the War Department demands that their requirements shall hereafter be strictly observed. A violation of them will subject the offender to prompt trial by court-martial. The regulations respecting military correspondence were made after long experience, and are indispensable to an intelligent and efficient discharge of business.

The remarks and opinions of intermediate commanders upon the subject-matter of each communication are important to the Department, and in all cases required. Opportunity must, therefore, be afforded for their expression; and all communications which are not forwarded through the prescribed channel will be invariably returned without other action than instructions to bring the party to trial for violation of orders.

Letter paper will be folded in three, and foolscap in four equal folds, parallel with the writing, and indorsed on the fold corresponding with the top of the sheet, thus:

Post or Station and Date of Letter.

.....

Name and Rank of Writer.

.....

Analysis of Contents.

.....

The indorsement should be carefully made, so as to afford information of its contents at a glance, and to present only those points which

are material and pertinent. This will leave ample space for subsequent indorsement. Commanders will return for completion all papers not so indorsed. The practice of wrapping communications with mere strips of paper for the purpose of indorsement, owing to their liability to be detached and lost, is prohibited.

II. Issuing commissaries will hereafter require from commissioned officers drawing rations a certificate that the same are for their own use.

III. Upon information received that any commissioned officer or soldier has sold the rations drawn by him he will thereafter not be allowed to draw rations, at any one time, for a greater period than three days.

IV. Furloughed officers and men other than those furloughed from hospitals will be allowed to draw, at the place where furloughed, rations for the number of days only that are required for their journey. Officers and men furloughed from hospitals will receive from the hospital commissary such number of rations, for the purpose of reaching their destination, as the surgeon in charge may direct. Furloughed men may be allowed commutation of rations for the time specified, in lieu of rations in kind, if they prefer it. After reaching their destination sick and wounded furloughed men not in hospitals may draw from the nearest post commissary rations in kind or commutation therefor for the period of five days at a time. Each issue made to furloughed men, or each payment, if commutation is allowed, will be indorsed on the furlough by the issuing officer.

V. Boards of examiners in general hospitals are directed not to furlough or discharge, or recommend for leave of absence, any soldier or officer who, on his admittance into hospital, could not show proper authority for his absence from his command. Officers or soldiers applying for admission into general hospitals who are not provided with proper authority for their absence from their commands will, if able to travel, not be admitted, but sent back to their commands. If unable to travel, such cases will be received into hospitals and their admittance reported to their respective commanding officers, and when sufficiently recovered they will be returned under guard to their commands.

VI. All communications to the Secretary of War or to this office from the generals commanding reserves pertaining to the matter of conscriptions or other duties hitherto devolved on the authorities of conscription must be addressed through the superintendent of the Bureau of Conscription.

By order:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE DEPARTMENT,
Tallahassee, October 11, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina:

DEAR SIR: Yours 28th ultimo is before me. It arrived during my absence from here. The objects you purpose to accomplish by a convention of Governors are vastly important, and are cordially approved by me. I will at any time appointed meet you in convention at Augusta, Ga., or at any point more convenient and agreeable to others,

when notified, if in my power to do so, but we are so constantly threatened with raids in different parts of the State that my presence here seems to be almost indispensable.

I have the honor to be, respectfully,

JOHN MILTON.

RALEIGH, *October 11, 1864.*

General B. BRAGG,
Richmond, Va.:

There is a meeting of Governors at Augusta on Monday, the 17th, to consult about how to spare more men for the service. I am very anxious to know what North Carolina has done in comparison with the other States. Can you furnish the information from the Adjutant-General's Office? If so, write me to Augusta, Ga.

Z. B. VANCE,
Governor.

[Indorsement.]

Without a very protracted and laborious research it is not possible to ascertain the number of men. The regiments from North Carolina were unusually full at the outset. There are in the Confederate service sixty-seven regiments, five battalions, and twelve unattached companies. Two State regiments are at present doing service under Confederate authority, but have not been transferred to Confederate service. Thus far nine battalions of reserves have been organized.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
October 12, 1864.

Respectfully returned to General Bragg.

SAML. W. MELTON,
Assistant Adjutant-General.

Inclosed is a tabulated statement, which will furnish comparison with other States.*

ADJUTANT-GENERAL'S OFFICE,
October 11, 1864.

His Excellency WILLIAM SMITH,
Governor of Virginia:

SIR: I respectfully lay before you an important communication from Major-General Smith, superintendent of the Virginia Military Institute.

Very respectfully, your obedient,

WM. H. RICHARDSON,
Adjutant-General.

[Inclosure.]

HEADQUARTERS VIRGINIA MILITARY INSTITUTE,
October 8, 1864.

Maj. Gen. WILLIAM H. RICHARDSON,
Adjutant-General:

GENERAL: I have this moment seen Special Orders, No. 102, from the headquarters of the reserve forces, dated October 3, 1864, a copy

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*Not found.

of which I herewith inclose. The authority exercised by the Confederate authorities over the cadets of the Virginia Military Institute under these orders is directly in conflict with the instructions which I have received from the Governor of Virginia under your order of October 14, 1862, and of the special order given to me personally by His Excellency Governor Smith in June, 1864. I feel myself embarrassed in my duty under the circumstances which surround the case. I extract the closing paragraph of your order of October 14, 1862.

The Governor, in view of all these important facts, feels it to be incumbent upon him to direct the superintendent of the Virginia Military Institute not to surrender any cadet who may be claimed as a conscript by the Confederate authority until the constitutionality of the act of Congress called the conscript law shall have been tested, the legislative will of the State ascertained, or until further orders.

The authorities of the Virginia Military Institute have no disposition to withhold the cadets from the service of the country in this hour of its peril and need. They have promptly sanctioned their service without stint and at costly sacrifice of blood to the cause of this country. But the State through its military institute stands as a guardian, in her sovereign capacity, to these young soldiers, and it seems to be but just and proper that when their services are required in the field of battle they should be sent forth under the authority of the State whose servants they are, that the care and protection which have been assumed and promised to them may be rendered. Where thus rallied around the standard of the country, they will present an organized Virginia command, which may be extended to embrace many others who would promptly rally around the Virginia Military Institute, and by their efficiency render substantial service, without detriment to their morals.

If Special Orders, No. 102, be persisted in the organization of the Military Institute will be destroyed, and I apprehend the worst consequences to the individual members of the institute.

I remain, general, very respectfully, your obedient servant,

FRANCIS H. SMITH,
Brevet Major-General and Superintendent.

[Sub-inclosure.]

SPECIAL ORDERS, No. 102.

HEADQUARTERS RESERVE FORCES,
October 3, 1864.

The commencement of the next regular session of the Virginia Military Institute having been postponed until the 1st of November next, all cadets who are not under seventeen years of age and not already assigned to duty in the field by orders from the War Department or from these headquarters are hereby required to report without delay to Maj. T. G. Peyton, commandant of camp of instruction at Camp Lee, near Richmond, for immediate and temporary field service. Cadets under seventeen years of age are also earnestly invited to report at once for assignment to duty.

All furloughs and exemptions heretofore granted to cadets are, by command of the Secretary of War, revoked.

The cadets will be released from field service by or before the commencement of the session of the institute.

By command of Major-General Kemper:

R. H. CATLETT,
Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, October 12, 1864.

His Excellency JEFFERSON DAVIS:

SIR: In answer to your circular letter of a recent date respecting the foreigners in our midst, I have to say that I concur in the suggestion advanced by you. No laws have been passed in this State oppressive of this class of persons and no edict of expulsion has been or will be adopted.

I am, sir, very respectfully, your obedient servant,

Z. B. VANCE.

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, October 13, 1864.

His Excellency the PRESIDENT:

Mr. PRESIDENT: Your attention is respectfully asked to the inclosed copy of a letter from the Quartermaster-General to the Honorable Secretary of War. The original was referred to me for remarks, and was returned with the indorsement this copy bears.

That you may know the origin of this strange paper, I send also a copy of my letter to General Gardner, inclosing to him the inspection report referred to and calling his attention to the alleged violations of law. It will be seen my only instruction to him was to proceed "as the law requires in every case of infraction." After a careful reperusal of that letter, I can see nothing to retract and nothing to justify the errors, tone, and temper (not to say disrespect) displayed by the Quartermaster-General, so foreign to the usual deportment of that scrupulous and faithful officer. I am as unwilling to be thus thwarted in my efforts, under your orders, to see all men properly due there put into the Army as I am anxious to avoid these unusual and, as it appears to me, unmilitary arrangements by my inferiors. In a similar, but more marked case, where a subordinate officer of the Conscript Bureau, some two months since, addressed me a very disrespectful communication, I referred it to the Honorable Secretary of War, but as yet have no notice of any action. This case is therefore submitted to your consideration.

As these records are to constitute a part of the future history of the country, I feel sure you will appreciate my appeal to be relieved from an attitude so mortifying to my self-respect and so humiliating to my professional pride.

I am, sir, very respectfully, your obedient servant,

BRAXTON BRAGG,
General.

[Indorsement.]

NOVEMBER 6, 1864.

SECRETARY OF WAR:

The act referred to imposed a penalty and prescribed a duty. General Bragg but fulfilled an obligation to aid in the faithful execution of the law when he called the attention of the post commander to the reported violations of law, which it was the duty of that officer to restrain. The "post" quartermaster at Richmond bears to the commander of the post the relation of field quartermaster to the commander of an army. The Quartermaster-General was not expected and it would have been absurd to expect him to inspect every establishment in the Confederacy to ascertain whether his assistants kept

men in employment contrary to the law cited, and there was no invasion of his rights in seeking to enforce the law by the means provided in the act. The reference of the complaint to General Bragg is no doubt the point which he describes as mortifying, &c.

For fear the originals may not have attracted your notice, I send the copies inclosed in the letter of General Bragg.

J. D.

[Inclosure No. 1.]

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
Richmond, September 16, 1864.

General WILLIAM M. GARDNER,
Commanding Post, Richmond:

GENERAL: Inclosed herewith is a copy of an inspection report of the officers of the Quartermaster's Department in Richmond. Your special attention is called to the following points developed by this report:

I. "Lieutenant-Colonel Cone, acting assistant quartermaster-general, has in his office an able-bodied conscript detailed as clerk." This is in direct violation of the eighth section of act approved February 17, 1864.

II. See case of Captain Barksdale. Why is it that the money he disburses, any more than in case of other quartermaster's, shall be kept in the Treasury beyond his control? This officer is on post duty and under your command.

III. Maj. C. M. Smith, assistant quartermaster. "There are in this office three able-bodied men detailed as clerks." See remarks on Lieutenant-Colonel Cone.

IV. Captain Weisiger, assistant quartermaster, has contracts with six persons, who, he says, were detailed by Secretary of War. Has two employés, both liable to conscription.

V. Captain Putney has 236 details, many of them irregular, and forty-two employés; does not say whether they are of conscript age. Your attention is necessary in this case.

VI. Captain Morfit, assistant quartermaster, "has one employé of conscript age."

VII. Captain Dugan, assistant quartermaster, should have his office at the hospitals. His station is not in the city and he is not entitled to commutation. Much complaint was made to me at these hospitals by the sick of being unable to see a quartermaster without walking into the city.

VIII. Captain Kemper, assistant quartermaster. Same as above.

IX. D. Rankin, quartermaster agent. By whom and when was he appointed? What age? Has a conscript without detail.

X. Captain Dorsey, assistant quartermaster. The details and employés should be examined to see if fit for duty.

XI. Maj. George F. Maynard, quartermaster. The large list of employés and details require scrutiny.

XII. Capt. O. F. Weisiger, assistant quartermaster. Details and employés should be examined.

XIII. Maj. J. C. Maynard, quartermaster. He employs over fifty men, as shown by his list—copy inclosed—in violation of law as above.

XIV. Major Ambler, assistant quartermaster. His office and employés require attention as above.

XV. Major Harvie, assistant quartermaster. Attention necessary to long list of illegal details.

XVI. Captain Claggett, assistant quartermaster, not being on any duty in the city, but with troops on the lines, should be quartered and have his office with them.

XVII. Captain Orgain, assistant quartermaster. Details and employés do not appear to be exempt.

XVIII. Captain West, assistant quartermaster, one of the paymasters Chimborazo Hospital. Lives in city. Has office in city. He must be where his duties are.

XIX. Major Bentley, assistant quartermaster. His list of details and employés needs attention.

XX. Major Webb, assistant quartermaster, one of the paymasters at hospitals, should be with his duties. Reports one detailed soldier unfit for duty November, 1863, but says nothing of his condition now.

XXI. Major Ferguson, assistant quartermaster. Details and employés not regular or according to law. See Colonel Cone.

XXII. Major Cary, assistant quartermaster. Paymaster of troops in hospitals. Should be stationed where his duties are.

XXIII. Major Parkhill, assistant quartermaster. One employé irregular and illegal. Others not properly detailed. These different quartermasters whose duties are connected with hospitals should all be assigned as per my order to General Ransom, and be required to reside at their posts. It is impossible any one man can do the duty assigned this officer at all the hospitals, and the consequence is neglect and great complaints.

XXIV. Captain Warren, assistant quartermaster. Details irregular and illegal. See remarks in case Lieutenant-Colonel Cone.

XXV. Captain Wood, assistant quartermaster. Details, &c., in violation of law, and require prompt attention. See case of Lieutenant-Colonel Cone.

XXVII. Major Johnston, assistant quartermaster, has one able-bodied conscript employed as clerk in violation of law. See case of Lieutenant-Colonel Cone.

XXX. Captain Morris, assistant quartermaster, has a detailed able-bodied conscript in violation of law.

XXXI. Major Archer, assistant quartermaster. Details and employés irregular and illegal. See case of Lieutenant-Colonel Cone.

XXXII. Captain Macmurdo, same as above.

The condition of the different offices of assistant quartermasters in Richmond requires your prompt attention under the ninth section of the law referred to, and you are desired to act as the law requires in every case of infraction. Arrest the guilty parties and send your charges up, that a court may be ordered for their trial.

A proper arrangement and reassignment would enable the department to dispense with at least ten of these officers.

After retaining the report and accompanying papers herewith sent as long as you desire, for information, please return them.

Very respectfully,

BRAXTON BRAGG,
General.

[Inclosure No. 2.]

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, September 26, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: I have the honor to submit for your consideration certain papers referred to this Bureau by Maj. J. C. Maynard, quarter-

master, on duty in Richmond, and also certain papers received from Lieutenant-Colonel Cone and Capt. George A. Barksdale bearing upon the same general subject.

It is proper to state at once that the "inspections" on which these proceedings against the officers of this department are based were undertaken with my hearty concurrence; that every item of information sought from this Bureau, whether regular or irregular in form, was promptly furnished to facilitate the progress of inspection; that every question submitted to this Bureau by officers of this department (to many of whom the visits of inspectors were entirely new, and therefore their rights and powers unknown) was so decided as to open wide the doors for the entrance of the inspector, and to furnish him with every species of information necessary for a complete report.

Up to that point the interest felt by this Bureau in these inspections was fully recognized by General Bragg and his inspectors. The papers inclosed show that no reciprocal obligation has been acknowledged to furnish this Bureau with the important information thus desired, nor to claim its action or co-operation in correcting any abuses supposed to have been discovered by these inspections. But other means have been resorted to which I respectfully submit are in violation of Army Regulations, general orders of the War Department, the usages of the service, and the courtesies which prevail in such cases.

First. The laws and Army Regulations require a disbursing officer to deposit his money, "as far as possible," in one of the depositories of the Treasury, and to draw checks in favor of the person to whom payment is to be made, &c.

The inspector reports Captain Barksdale (whose office is within a "stone's throw" of the Treasury) because his money is "kept in the Treasury beyond his control," and General Bragg quotes this complaint in his letter to General Gardner in connection with instructions to "arrest the guilty parties," &c.

Second. General Orders, No. 15, 1863, requires that "where occasions may arise in military commands for charges against a disbursing officer of the Army, arrest will be stayed until a report of the facts in the case is duly made to the War Department through the office of the Adjutant and Inspector General, and the officer will continue to discharge his duties until the Department shall take proper measures for his relief from duty." General Bragg (in alluding to a large proportion of the quartermasters in Richmond) instructs General Gardner to "arrest the guilty parties and send your charges up, that a court may be ordered for their trial."

Third. General Bragg adopts the statement of the inspector, that the officer is guilty of a violation of law, and then this officer is called upon by General Gardner (who furnishes him with General Bragg's statement) to send up the necessary testimony to go before the court, which is to be ordered. In truth, an officer holding a commission in the Army, and intrusted by his Government with the disbursement of millions of money, is first pronounced guilty, then called on to plead to the indictment, and at the same time ordered to furnish any missing links in the testimony necessary to insure his conviction.

Fourth. It has been the policy of the War Department to place all officers of the general staff as much as possible under the control and supervision of the respective chiefs of bureaus to which they are attached, especially so in case of those departments having control of large disbursements and extensive workshops, in order that there may

be more perfect system as well as mutual confidence and responsibility. This is shown, not only by the constant reference to these respective chiefs of all matters appertaining to their subordinate officers, but by a number of general orders and decisions of the War Department (several of which are herein inclosed) and even by the messages to Congress of His Excellency the President.

General Bragg now seeks to institute the most summary proceedings against a large number of quartermasters at the seat of Government—such proceedings as would stop suddenly the entire operations of this important branch of the War Department in the midst of the most pressing demands upon it that war has ever made, through the instrumentality of the commandant of the post, and without even a passing notice to the chief of the Bureau that these important events are about to transpire.

Fifth. General Bragg informs the commander of the post of Richmond (within the limits of which is the War Department and, of course, the Quartermaster-General's Office), and through him nearly every quartermaster in Richmond, that "a proper arrangement and reassignment of these officers would enable the department to dispense with at least ten of these officers." As it has been the invariable practice of the War Department to refer to this Bureau all proposals to assign officers of the Quartermaster's Department, and this statement of General Bragg's is so positive and specific, I respectfully ask that he be invited to indicate the "ten" officers whose services can be dispensed with, and the "proper arrangement" of the duties of the others which would accomplish this object. General statements can be made with but little cost or trouble, but so to distribute the duties of officers as to meet every emergency of the service—to secure the "right man in the right place"—I have found a most intricate problem to solve.

I will not further remark, sir, on the entire absence of courtesy to the chief of this Bureau by which all these proceedings are characterized, nor invoke the interposition of the Secretary of War in my behalf, content to believe that the measure of courtesy due is more capable of enforcement by good taste than Army Regulations. But in behalf of the officers of this department, who have been taught by the utterances of the President and the practices of the War Department to look to the chief of their Bureau for instruction as to their duties, I do make my appeal to a common superior, and ask that their duties and responsibilities be properly defined and protected. It is not matter of form, but of substance, to which I object. I respectfully submit:

First. That the quartermasters called upon are not under General Gardner's orders, and therefore General Bragg could not properly direct General Gardner to call on them for these reports, and the relations of these officers to the chief of this Bureau can be changed only by orders from the Adjutant-General's Office.

Second. That if the inspector's report was of any value, its statements being positive as to violations of law, and the officers having already furnished him with all the facts, there was as much presented in that report upon which to found charges as these officers could furnish; and that, waiving the question of General Gardner's right to call upon them, it is simply persecution and waste of time to call again and again for these statements.

Third. That if any further statements from these officers are necessary to insure their conviction they cannot be called on to assist the

prosecutor in making out his case, after having been notified that they are "guilty" and must be tried by court-martial.

Fourth. That the manner in which these officers are approached as to the alleged illegality discovered by the inspector is not calculated to elevate the morale of the service. Instead of being properly confronted with the charges against them they are pursued more like culprits already condemned to punishment. As far as these officers are personally known to me, they are men of character and good repute, now in the discharge of important trusts, and have a right to be sensitive as to their fidelity and honor. I express no opinion as to guilt or innocence in any specific case, and shall be glad to see the trial go on whenever the prosecutor is ready. General Bragg cannot be more anxious to punish the guilty nor to send able-bodied men to the Army than I am, but I respectfully insist that this sweeping denunciation in advance of a large class of officers does not promote efficiency or secure correction.

Fifth. That these quartermasters having furnished to the inspector complete lists of their employés, and the Bureau of Conscription being now engaged in registering every man in Richmond (full information having been furnished them by this Bureau toward aiding in their work), the means of procuring all the testimony to convict "the guilty parties" are ample and within reach, without compelling any officer to "criminate himself."

In conclusion I respectfully protest that in making this appeal to the Secretary of War I seek not to shield any guilty man from punishment, but earnestly invite the most severe scrutiny into the character and transactions of all the officers of the department, many of whom are doubtless not without fault. I do ask, though, that the principles and practice of the War Department should not be set aside as against one class of officers and common right violated in order that reform may seem to move forward at a quicker pace.

Very respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

[Indorsement.]

HEADQUARTERS ARMIES OF THE CONFEDERATE STATES,
October 11, 1864.

Respectfully returned to the Honorable Secretary of War.

It appears to me that the Quartermaster-General has strangely misapprehended my action in the matter of which he complains, and still more strangely misconstrued and misapplied the law and regulations. By the ninth section of the act of February 17, 1864, "it shall be the duty of any district or department commander, upon proof by the oath of any credible person, that any such officer has violated this provision, immediately to relieve such officer from duty, and said commander shall take prompt measures to have him tried for such offense."

By General Orders, No. 48, Adjutant and Inspector General's Office, 27th of May, 1864, paragraph VIII, this duty is also devolved on post commanders. Upon the receipt by me of an inspection report made by an officer duly ordered and authorized to make investigation into these matters, setting forth certain violations of the above-quoted law, the whole matter was referred to the proper commander; and my only action was simply to call his attention to the requirements of the law, the neglect of which forfeited his own commission.

It will be observed that my instructions to him refer not to the parties reported, but to the "guilty parties," thereby indicating that the inspection report sent him was not his guide, but for his "information."

It is apparent from the tenor of the remarks of the Quartermaster-General that he misapprehends to some extent the object of inspections as well as the exact military relations of the officers of his department stationed in and about Richmond. As the chief of the Bureau charged with the financial and property responsibility of his subordinates, it is conceded that information obtained by inspections should be furnished him; but when it comes to the military responsibility of these officers to their proper superiors—as in the case before us—I cannot concede his claim.

The error arises from the proximity of the officers to the chief of the Bureau, and the mixed duties (post and depot) improperly assigned them. The post quartermasters in Richmond are no more under the control of the Quartermaster-General, nor less under the control of the post commander, than are the same class of officers in Mobile or Galveston, and every attempt to make a distinction will only work confusion and disorder and result in inefficiency and irresponsibility. A copy of my letter to General Gardner is herewith inclosed.

BRAXTON BRAGG,
General.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, October 13, 1864.

Hon. JAMES A. SEDDON,
Secretary of War Confederate States of America:

SIR: I have the honor to call your attention to the fact that I have just received long and interesting reports from Major White and Major Munnerlyn of the results of the operations of the Cattle Battalion in Florida. These papers, though well worthy of your perusal and attention, are on account of their length not submitted to you. The services rendered by this battalion have been of the most important character. Operating in the only way possibly successful in such a country, but partially organized and equipped, it has guarded a line of over 300 miles in length, extending from the neighborhood of Lake Okeechobee to the upper portion of Lafayette County, affording a nucleus for the militia of that region. It has checked desertions and restored the confidence of the people. As an illustration of the fact, it is mentioned that citizens who had deserted their homes and property from fear of the enemy have since the organization of the battalion brought back their families. While doing such good service as soldiers, these men have been equally efficient in procuring subsistence for the Army. Operating in a country infested with traitors and deserters, extending from the Gulf to the Atlantic, they have brought out a large number of cattle which without their aid could not have been secured at all. The efficiency of this battalion, both as a guard of the country and as a means of procuring supplies, depends entirely upon the detailed men connected with it. They—a small number—have been selected with special reference to their fitness for the duties to be performed, and around them as a nucleus have been rallied a number of men whose services would otherwise be lost to the Confederacy.

Take away these detailed men and you destroy the battalion, virtually lose possession of the country, and certainly all the cattle in it. It is with confidence claimed that nowhere in the Confederacy can the services of these few detailed men be half so valuable as in the present organization, and therefore the Secretary is earnestly asked to give orders that they shall be exempted from the operations of General Orders, No. 77.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General.

[First indorsement.]

OCTOBER 14, 1864.

ADJUTANT-GENERAL:

The special service requires this battalion. Instruct commander of reserves in Florida they are specially excepted from Order No. 77.

J. A. S.

BUREAU OF CONSCRIPTION,
Richmond, October 13, 1864.

Respectfully returned to the Secretary of War.*

Copies in full of Circulars Nos. 26 and 29, of which extracts alone have been brought to the notice of His Excellency, are inclosed.†

The consideration in connection with them of Circular No. 8‡ will remove the impression that Circular No. 29 destroys "the authority of the officer charged with supervising in each State the enrollment and assignment of recruits," and consideration of the reasons which led to the adoption of this system will, it is thought, go far toward modifying the opinion expressed "that it may well have led to the abuses so often represented to exist." It will be seen that judicial functions respecting details are exercised by the Bureau of Conscription under the immediate direction of the Secretary of War, whereas the authorities of conscriptions in the respective States are employed to furnish the information on which intelligent and discriminative action could be based, and to separate from the great mass of applications presented such only as will probably receive favorable consideration.

As full information was indispensable, it was made the duty of the local or county enrolling officer to whom applications were directed to be addressed to furnish the information, and to that officer properly should have been assigned the power to decide whether the application should be forwarded; but the responsibility was considered above the capacity, both moral and intellectual, of the great majority of the persons then filling such positions. Neither was it included in those of the commandant, because the delay in reaching his office would have been too great; and if delay was not provided for the social and industrial organization of the country would have been wholly deranged—when the least interference would have caused the most serious evils.

A medium was at hand in the person of the Congressional district enrolling officer, selected from those disposable because of their qualifications, and to them was intrusted the power to decide whether the

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*The paper bearing this indorsement is not identified.

†See July 8 and August 9, pp. 534, 578.

‡See p. 217.

applicant should continue at his work until action could be taken by the Secretary of War.

To guard against erroneous action the right of appeal was given. For many reasons, principally because of the necessity created by the exhaustion produced by the war of discriminating between various necessities, and because of a want of confidence in the capacity of the officers making the decision, a proviso was added that in case of appeal the party should be allowed to remain at his work until final action. The practical effect was that appeals were taken merely to obtain delay. The evil was a serious one, and by direction of the Secretary of War Circular No. 26 was issued. It soon became evident that in guarding against delay other and still more serious evils had been created, such as the shutting up of manufactories, stopping mills, limiting the capacity of railroads for transportation, &c. As these became manifest the rigor of the circular was modified in several instances by special instructions, and at length, after several conferences with the acting superintendent, the Secretary of War directed the issue of Circular No. 29, which reintroduced the old system, with the exception of the objectionable proviso.

As the extracts referred by His Excellency purport to be official copies of those in the office of the commandant of conscripts for Georgia, it is deemed proper to state that the general system as above explained was not in operation in that State until the reception of Circular No. 29, and to give the reasons therefor. The officer assigned as commandant of the State was probably misled by the third paragraph of General Orders, No. 26.

As will be remembered, a more elaborate order than that issued was prepared, but it was considered preferable that more minute instructions should be issued in circular form from the Bureau of Conscription, which was accordingly done. The ambiguity is removed in paragraphs XIII and XV, Circular No. 8.

As the error could not be corrected without greatly increasing the already lengthy delay, and as the necessity for the immediate enforcement of the law was pressing, it was deemed prudent for a while not to notice it; besides, the want of administrative capacity in his predecessors, and of the individual and physical poverty of the material disposable for officers, made it advisable that the energetic officer just assigned as commandant should exercise immediate supervision until some degree of his own energy could be infused into his subordinates, and they become instructed as to their other duties.

When Circular No. 29 was issued a great change for the better had become manifest, and as other exception was unnecessary the system was made uniform.

The apparent departure from respectful form in issuing a revocation of a circular made by order of the Secretary of War, by a circular not so expressing his order, is explained by the fact that it was not customary to use that form. It was used in Circular No. 26 because of the gravity of the matter and because it changed the previous policy of the Bureau.

In No. 29 it was omitted entirely unintentionally simply by force of the custom indicated.

The acting superintendent, however, felt a perfect assurance that Circular No. 29 was in exact accordance with the Secretary's instructions.

J. S. PRESTON,
Brigadier-General and Superintendent.

ORDNANCE OFFICE,
Richmond, Va., October 13, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to present the following general view of the operations of my department for the year ending September 30, and of its present condition and prospects. I refer briefly to the more important branches of supply:

Small-arms.—The chief supply has been from importations, which, since the loss of the vessels belonging to this Bureau, have been very light, not to exceed, say, on this side of the Mississippi, 30,000 during the year included in this report. The number manufactured is about 20,000 instead of 50,000 to 60,000, as I anticipated. This reduced product is due to the interference of military operations, both of the enemy and our own. The captures have been about 45,000 and the losses about 30,000, leaving a gain of 15,000. The stock of arms in the arsenals is about the same as it was one year ago. If we place the diminution of our military force at 50,000 men (including reserves, local forces, militia, &c.), the aggregate of their figures (30,000 improved+20,000 made+15,000 captured+50,000 less troops) 115,000 will represent the waste of arms during the year. About 20,000 are now on the way from Europe and 50,000 more have been ordered purchased. A further purchase of at least 50,000 will be necessary for the coming year unless the operations of the armories can be placed on a permanent footing by declaring all skilled mechanics engaged on them absolutely exempt from military duty, attaching them permanently to the Ordnance Department, and encouraging in every way the growth of this class of workmen. I cannot lay too much stress on the necessity for legislative action on this point in order to give assurance to the workmen.

Powder.—The mechanical means of the Bureau for the production are ample for a war conducted on any scale, and are so arranged as to be almost beyond casualty. The supply depends alone on that of saltpeter and sulphur, and for the present on the former. While we must still depend on importations as one chief source of supply of niter, it will be indispensable that the efforts of the Niter and Mining Bureau be sustained, in order that the home production may not be lessened. A certain force of white and black labor ought to be permanently assigned to this duty of procuring niter and sulphur and the other operations of the Niter and Mining Bureau.

Lead.—The expenditure of small-arm ammunition has been very heavy and has exhausted all our efforts to accumulate a supply of this precious material. I feel more uneasiness on this point than on all others. The requisitions have, however, been fully met through the energy of the Niter and Mining Bureau and our own exertions in gleaning the battle-fields.

Artillery.—The supply of field artillery has been adequate to the demand and the quality very good. The quality of the rifled ammunition is susceptible of improvement. From deficiency in the supply of copper the manufacture of bronze field pieces is suspended and an iron gun tightly banded substituted for the 12-pounder Napoleon, which gives entire satisfaction. Harness and equipments have not been deficient.

Cavalry.—Good cavalry arms are much needed. Here again the removal of an armory (for military reasons) and the want of workmen have crippled the Bureau. The sea-coast defenses have been

supplied with a large number of 10 and 8 inch columbiads and some heavy rifled and banded guns. The want of transportation for iron and coal from Selma to Macon has paralyzed the operations of the foundry for heavy guns established at Macon.

I regret, too, that military operations about Richmond have prevented them from the casting of 12-inch guns, the preparations for which are now completed. A few guns of this caliber at Wilmington would have been of inestimable advantage in defense against monitors.

Mechanics, miners, artisans, &c.—While the Army have been well supplied during the past year, there are causes operating which will render future results less satisfactory. The chief of these is the diminution of skilled workmen. Without statistics I can only assure you that the number and quality of workmen have greatly fallen off since the middle of the year 1863. While two years ago it was difficult to get machinery, we have now a surplus and cannot get workmen to run it. This opens a most melancholy prospect and indicates an evil that cannot too soon be corrected. While we are importing workmen by twos they are leaving us by the hundred. I formerly reported to you that from Christmas, 1863, to May, 1864, fifty-five men left our (Government) workshops in Richmond. This may give a glimpse of the exodus. Nor is it that this class of men is disaffected or unpatriotic that they leave the country. When called on they have fought and fought well. Out of one battalion of, say, 200 workmen from the armory here 4 were killed or died of their wounds and some 8 or 10 wounded in a skirmish. But workmen will not fight and work both. This must be accepted as settled in their minds. I trust the policy of the War Department may be modified toward these men for the sake of results as to home production, and that legislative action will secure to these men exemption from military service while in the employ of the Government. I have heretofore urged that this Bureau and the Niter and Mining Bureau should have a definite number of mechanics, miners, and other skilled labor assigned to them, and that the usual bi-monthly returns be rendered by those bureaus for them, thus placing such force exclusively under the control of the chiefs of those bureaus. Considering the vital nature of the operations confided to these two bureaus, I again urge this proposition.

Respectfully, your obedient servant,

J. GORGAS,
Chief of Ordnance.

GENERAL ORDERS, No. 81. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 14, 1864.*

I. Generals commanding reserves in the several States will without delay select and send officers, one to each Congressional district, empowered to summons and, after inspection, forward to the camps of instruction all persons holding certificates of permanent disability and such persons assigned to light duty as in his judgment appear likely to be adjudged qualified for active service. All such as may, upon examination, be pronounced by select medical boards so qualified will be assigned to duty in the field.

The inspectors of conscription may be charged with this additional duty in the absence of other suitable officers.

II. Paragraph I, General Orders, No. 77, current series, is amended by the insertion of "in the service of the Government" between the words "employed" and "as artisans," &c.

III. The details of such men, called out by General Orders, No. 77, current series, as are found by the proper medical boards to be unfit for field service may be revived, and similar details may be granted to light-duty men not heretofore detailed, at the discretion of the generals of reserves.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., October 14, 1864.

General R. TAYLOR,
Selma, Ala.:

Law does not allow trade in cotton with enemy by States any more than by individuals. Military are not required to enforce this law, but when military regulations require permits for cotton States cannot be excepted.

J. A. SEDDON,
Secretary of War.

At a meeting of the Governors of the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi, held in Augusta, Ga., on Monday, the 17th day of October, 1864, Governor William Smith presiding, after a full, free, and harmonious consultation and interchange of counsel, the following among other views were expressed:

Resolved, That there is nothing in the present aspect of public affairs to cause any abatement in our zeal in the prosecution of the war to the accomplishment of a peace based on the independence of the Confederate States; and to give encouragement to our brave soldiers in the field and to strengthen the Confederate authorities in the pursuit of this end we will use our best exertions to increase the effective force of our armies.

Resolved, That the interests of each of our States are identical in the present struggle for self-government, and wisdom and true patriotism dictate that the military force of each should aid the others against invasion and subjugation, and for this purpose we will recommend to our several Legislatures to repeal all such laws as prohibit the Executives from sending their forces beyond their respective limits, in order that they may render temporary service wherever most urgently required.

Resolved, That, whilst it is our purpose to use every exertion to increase the strength and efficiency of our State and Confederate forces, we respectfully and earnestly request that the Confederate authorities will send to the field every able-bodied man, without exception, in any of its various departments whose places can be filled by either disabled officers and soldiers, senior reserves, or negroes, and dispense with the use of all provost and post guard except in important cities or localities where the presence of large bodies of troops make them necessary, and with all passport agents upon railroads not in the immediate vicinity of the armies, as we consider these agents an unnecessary annoyance to good citizens and of no possible benefit to the country.

Resolved, That we recommend our respective Legislatures to pass stringent laws for the arrest and return to their commands of all deserters and stragglers from the Confederate armies or State troops, and that it be made the special duty, under appropriate penalties, of all civil and military officers to arrest and deliver to the proper authorities all such delinquents.

And whereas, the public enemy, having proclaimed the freedom of our slaves, are forcing into their armies the able-bodied portion thereof, the more effectually to wage their cruel and bloody war against us: Therefore be it

Resolved, That it is the true policy and obvious duty of all slave-owners timely to remove their slaves from the line of the enemy's approach, and especially those able to bear arms, and when they shall fail to do so that it should be made the duty of the proper authorities to enforce the performance of this duty and to give to such owners all necessary assistance as far as practicable.

Resolved, That the course of the enemy in appropriating our slaves who happen to fall into their hands to purposes of war seems to justify a change of policy on our part, and whilst owners of slaves under the circumstances should freely yield them to their country, we recommend to our authorities, under proper regulations, to appropriate such part of them to the public service as may be required.

Resolved, That the States have the right to export such productions and to import such supplies as may be necessary for State use or for the comfort or support of their troops in service, upon any vessels owned or chartered by them, and that we request Congress at its next session to pass laws removing all restrictions which have been imposed by Confederate authorities upon such exports and imports by the States.

And lastly, we deem it not inappropriate to declare our firm and unalterable purpose, as we believe it to be that of our fellow-citizens, to maintain our right of self-government, to establish our independence, and to uphold the rights and sovereignty of the States or to perish in the attempt.

Resolved, That the chairman be requested to send a copy of these resolutions to His Excellency President Davis, one each to the President of the Senate and the Speaker of the House of Representatives, to be laid before the respective bodies, and one to the Governor of each State in the Confederacy.

RICHMOND, VA., *October 17, 1864.*

Governor CHARLES CLARK,
Augusta, Ga.:

I much regret the necessity which prevented me from going as far as our State, and deprived me of the pleasure of seeing you. The spirit manifested in Mississippi has been a source of comfort and pride to me. Energy and united effort, added to the patriotic zeal so generally prevalent, give the best assurance of an early peace. I hope your convention will give additional power to the public defense and unanimity among the governments of the States on all matters of military policy.

JEFFERSON DAVIS.

BUREAU OF CONSCRIPTION,
Richmond, October 18, 1864.

His Excellency JEFFERSON DAVIS,
President of the Confederate States:

SIR: This morning you verbally informed me that it was not your purpose, in dictating General Orders, No. 73, and the subsequent general orders relating to the same matter, to charge the generals commanding reserves with the control and administration of conscription further than that they should exercise a vigilant supervision over the local officers in the performance of their duties; that such local officers, except the commandants of camps of instruction, should be furnished by them, and that they should also furnish such forces of the reserves as from time to time on occasion they might deem necessary to aid in the service of conscription and the arrest of deserters, &c., and that they should report all matters concerning these functions through the Bureau of Conscription. I further understood you to say that the investigation of all matter within the sphere of conscription service was to be made by the enrolling officers and forwarded to the Bureau as heretofore or through the generals of reserves for its decision under the instructions of the Secretary of War, and that the generals of reserves were not charged with the decision of any matter of conscription. This I understood embraced your purpose of the connection of the generals of reserves with the administration of conscription, and you remarked in connection with it that you had not selected those officers with the view of charging them with such duties. Practically, in several of the States, especially in Virginia, these orders are construed as transferring from this Bureau and the enrolling officers and placing in the hands of the generals commanding the reserves the whole matter of investigating and deciding all cases of conscription coming under the act of Congress and general orders. Knowing this to be at variance with your purposes, I venture most respectfully to recommend that you order instructions to be given in the proper quarters concerning the matter. I have the honor to inclose the series of general orders* the supposition and application of which has led to the erroneous construction of your purposes. I inclose also certain *general orders** of the general commanding the reserves in Virginia indicating the assumption of the entire control of conscription under the general orders of the Adjutant and Inspector General.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

BUREAU OF CONSCRIPTION,
Richmond, October 18, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to inclose you a copy of a note I have this day addressed to His Excellency the President.† It is proper for me to state the views of the President, as related in that note, were not expressed by my seeking, but were given incidentally at an interview sought by me for conference on other matters. It is also proper to state that I

*Not found as inclosures and not otherwise identified. †See next, *ante*.

was aware of these views of the President when General Orders, No. 73, were issued, but on my return to Richmond after an absence of ten days, just subsequent to the issuing of those orders, I found a different construction placed upon them. Supposing I might be in error, I have cautiously refrained from any reference to the matter until the President himself should mention it. He having this day expressed these purposes in the presence of General Cooper, summoned specially to hear them, I feel myself at liberty to make the recommendation contained in my note.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

BUREAU OF SUBSISTENCE,
Richmond, October 18, 1864.

Col. L. B. NORTHROP,
Commissary-General:

COLONEL: On the 28th of September Maj. S. B. French, then at Wilmington, N. C., on a tour of duty, wrote you a letter in reference to the contract of Messrs. Power, Low & Co. That contract was to have expired, and I presume did expire, by limitation on the 2d day of this month, and the purpose of that letter was to call your attention to the importance of making some arrangement by which the time of delivery of supplies under it could be so extended as to give your department the benefit of their services, at least until we could otherwise provide against the scarcity that now threatens the Army.

Ascertaining that Major French was to return in a short time after you referred that letter to me for report, and also that Major Reid, who has been specially charged with the superintendence of the delivery of commissary supplies at Wilmington, would be here shortly hereafter, I preferred waiting until by conference with them I could put you in complete possession of the facts of the case, which I now proceed to do.

First. It will be seen by the letter and accompanying memorandum of Maj. S. B. French, of this date, addressed to yourself (see paper A*), that, with the whole Confederacy completely exhausted of supplies, we have only meat rations for 300,000 men for twenty-five days. As we feed, by rough estimate, not less than that number, including prisoners, and we cannot expect to commence on the new hog crop before the 1st of January, the condition of the commissariat is well described by Major French as "alarming." Our supply must come from abroad if it be got at all; whereas at the islands Messrs. Crenshaw have large accumulations; as Power, Low & Co. have also a considerable amount awaiting shipment.

Second. But for this purpose these two lines are our only resource, as will appear from the letter and report of Major Reid, commissary of subsistence, of October 16, addressed to me (see paper B*). The report shows that for the moon running from August 19 to September 10 only five vessels out of seventeen brought in anything for the Subsistence Department, and of these five three were the vessels of Messrs. Power, Low & Co. I invite your particular attention to the list of vessels which this report contains.

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* Not found.

In urging upon you, in view of all the above facts, to have the contract of this firm extended if you can do so, I do not think it necessary to attempt to meet the arguments which are used to establish the policy of blockade-running under the regulations of the War and Navy Departments. The system may be a good one and may not have had time to get into operation, or it may be bad; but it has failed altogether hitherto to supply the subsistence departments, for Major Reid reports the same state of things to have existed in previous moons as in that in which he reports. The reason is obvious. The second section of the regulations to carry into effect the act to impose regulations upon the foreign commerce of the Confederate States "requires vessels to return with a cargo consisting one-half of articles not prohibited by the laws of the Confederacy and the other half of such articles as the Government shall offer for shipment from such port at the rate of freight," &c.

Meat is a bulky article and will not pay, and hence blockade-runners will not bring it. The result is that the trade regulations so far have failed to bring subsistence, and if insisted on as the exclusive policy of the Government will effectually kill all importations of that character.

Nor can Messrs. Power, Low & Co. be expected to sail their vessels at present under those "regulations." The parties that now run under them need risk nothing but their keels, and cannot, in any event, risk more than half their cargo, and then in goods that will repay the risk. But Power, Low & Co. have bought their goods (which are of a different character from private cargoes), and take the whole risk of delivery and also of inspection.

Third. I have had a conversation with Mr. Low and he assures me, as I have before stated, that he has a large amount of stores at the islands awaiting shipment. These, with Messrs. Crenshaw's, are all that this department is advised of. The equity that he makes out for his concern is that they have those goods; that they did not expect a discontinuance of the contracts so soon, and think rather they had cause to expect a continuance of it as the condition of a bona fide and patriotic fulfillment; that there has been delay in building vessels which they could not prevent; that the quarantine at Wilmington has operated another delay, which has been still further extended by the increased strictness of the blockade. But whether they have an equity or not, and whether the regulations for running the blockade are politic or not in the long run, it is certain that you may get meat by extending the contract, and certain that you can get none by regulations at present.

A letter from Power, Low & Co., addressed to me, dated October 17, says:

> As the Subsistence Department is greatly in want of supplies, and as an inducement for a renewal or extension of said contract, therefore we propose to place our ships Will-o'-the-Wisp, Night Hawk, and two others expected at the islands shortly under the control of said department, to bring in on each vessel from one-third to one-half weight capacity, so that a supply of stores can be safely and surely relied upon.

In this exigency, and with that pledge, I respectfully report to you that I consider the extension of their contract as an absolute necessity of the service.

Very respectfully, your obedient servant,

FRANK G. RUFFIN,

Lieutenant-Colonel and Commissary of Subsistence.

HEADQUARTERS RESERVE FORCES, MISSISSIPPI,
Enterprise, October 19, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: I addressed a communication to His Excellency Governor Charles Clark on the 19th of September ultimo in regard to his General Orders, No. 39, calling into the State service for six months volunteers from the reserve classes and men of military age (viz, from eighteen to forty-five), and received for answer his communication dated 20th of September, which I telegraphed to the Department on the 2d of October, to which I have as yet received no reply. I have the honor now to inclose for your information of my actions in the premises both my note to the Governor and his reply.* This action of the Governor has virtually arrested the volunteer enrollment of the reserves and the conscription of the men of the military age. All are rushing into the State organization, greatly to the detriment of the service. It has come to my knowledge, unofficially, that the Governor alleges that he has an understanding with the War Department on the subject, and his action is sanctioned. Lieutenant-General Taylor stated to me that in an interview with Governor Clark he said to the Governor that it was a matter of no consequence who got these forces out so that they were placed under the command of the departmental commander. In consequence of this remark of the lieutenant-general, I have not interposed further in opposition to the Governor's proceedings, although I dissent from the general's views; for this organization will be a very weak one, composed of men who have been skulking from the service under the State laws. Amenable to their own courts-martial, composed of the same class of men, their decisions accord with the general feeling of the men and officers. No punishment inflicted and no discipline and order kept up, the men going and coming when they please, I fancy the organization will be but little better than an armed mob. As they are not amenable to the Confederate courts-martial, the generals cannot enforce discipline or order, and disaster and disgrace will result when they are brought into the field. These observations I most respectfully submit and ask your instructions.

I have the honor, general, to be, with great regard, your obedient servant,

W. L. BRANDON.

[First indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
November 7, 1864.

Respectfully submitted to the Secretary of War.

H. L. CLAY,
Assistant Adjutant-General.

[Second indorsement.]

NOVEMBER 11, 1864.

ASSISTANT SECRETARY:

Will you prepare an appropriate letter explaining the laws and the obligations of the Department under it in relation to these militia?

J. A. SEDDON.

*Inclosures not found, but see Brandon to Cooper, October 2, p. 710.

GENERAL ORDERS, No. 82. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 20, 1864.*

I. The Chief of the Bureau of Ordnance will, without delay, take measures to place in the field one-fifth of all the men employed in his department (including contractors and their employés) of the classes specified in General Orders, No. 77, Adjutant and Inspector General's Office, current series. To this end he will direct the several officers in charge of arsenals, workshops, depots, &c., to turn over to the nearest enrolling officer, by list, showing their ages, occupation, and residence, such proportion of their employés (including contractors and employés under them) of the class above referred to as will constitute in the aggregate one-fifth of the whole number in the said classes, according to returns in his office of September 30, 1864. Duplicates of such list will be sent to the general of reserves of the States, and triplicates to the Chief of Ordnance. Three days are allowed for the execution of this order after its reception at any post or station of the Ordnance Department.

II. The chief of the Niter and Mining Bureau will turn over in like manner, on similar lists, one-fifth of all men of the classes specified in General Orders, No. 77, employed in iron, lead, copper, and coal mining, and in all service appertaining thereto, whether under officers of his Bureau or by contractors. Duplicate and triplicate lists to be furnished as above directed in the Ordnance Bureau, and will in like manner turn over one-fifth of all such men as are employed in the niter service. The period of three days, under the same conditions as above mentioned, are allowed for the execution of this order.

III. The list of persons directed in the foregoing sections to be turned over to the enrolling officer will be prepared at once on the reception of this order, and will be furnished to the said officers within three days, as above prescribed, by the various officers of each of the above bureaus having men under their charge, and every assistance will be rendered by the latter to the enrolling officers to carry out the intention of this order.

IV. So much of General Orders, No. 77, as relates to men employed in the two bureaus named above is hereby suspended, and the foregoing order will stand in lieu of all requirements under the former.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., October 20, 1864.

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: I find that some inconvenience results from the competition of the several bureaus of this Department in the purchase of Federal currency, and in consequence I desire that all such purchases be made through one agent. I am informed that Captain Morfit, assistant quartermaster, from his position is required to buy a large amount of that currency, and to avoid the evils resulting from competition it is deemed judicious that all the bureaus shall employ him

as their agent in procuring the Federal currency necessary to their operations.*

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

(Same to Surg. Gen. S. P. Moore; Col. J. Gorgas, Chief of Ordnance; Robert Ould, esq., Agent of Exchange; Maj. Gen. J. F. Gilmer, chief Engineer Bureau; Col. I. M. St. John, chief Niter and Mining Bureau; Col. L. B. Northrop, Commissary-General.)

BUREAU OF CONSCRIPTION,
Richmond, October 20, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to send you the inclosed paper for your inspection, and to ask its return.† General Orders, No. 73, were issued on the 22d of September. This is the first and with one exception the only paper received at this Bureau from the conscription service in Virginia since that date. From this fact and from the purport of the indorsement of General Kemper I infer that that officer regards the matter of conscription in Virginia as removed from the control of this Bureau. Regarding this Bureau as a part of the War Office designated by you for supervision, directing and controlling the matter of conscription in Virginia, as elsewhere, and finding that the general commanding reserve forces of Virginia apparently takes a different view, I beg, respectfully, to ask your instruction.

First. Are the operations of conscription for the State of Virginia to be continued under the supervision, direction, and control of the Bureau? If so, to what extent?

Second. Is the commandant of conscripts for Virginia (now Colonel Shields) and other enrolling officers to be held at the disposition of and their duties dictated by the general commanding reserves or by this Bureau?

Third. Are the cases of conscription and the matter heretofore considered and acted on by this Bureau to be continued to be so acted on, or is the whole policy and execution of conscription to be administered by the general commanding the reserves in Virginia, reserving this Bureau as the clerical channel between that officer and the Secretary of War?

As an accurate understanding on these points is rendered necessary to the public service by the failure to receive returns concerning the progress and manner of conscription in Virginia, I most respectfully ask your early instruction on the points submitted.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

SELMA, *October 20, 1864.*

Lieut. Gen. R. TAYLOR,
Comdg. Dept. Alabama, Mississippi, and East Louisiana:

GENERAL: I have read the letter of the president of Alabama and Tennessee Rivers Railroad and the indorsement thereon of General

* See also Special Orders, No. 251, paragraph IX, Adjutant and Inspector General's Office, October 22, 1864, Series I, Vol. XLII, Part III, p. 1159.

† Inclosure not found and not otherwise identified.

Beauregard, directing the extension of that road from Blue Mountain to Jacksonville. The only sources from which iron can be obtained for this purpose are the Gainesville branch, the New Berne branch, and the Marion branch, of Alabama. Of these the Gainesville branch is the only one the Secretary of War has authorized me to remove. The iron will have to be brought by steamers down the Tombigbee River about 50 miles to Demopolis and carried by rail an average of 210 miles. If taken from the New Berne or Marion branch it will have to be carried about 170 miles, and an order from the commanding general given for their removal. To execute the work with dispatch will require two locomotives and thirty cars devoted exclusively to the work, and one of the locomotives must be capable of drawing twenty car-loads of iron, or it will require three locomotives. These must be subtracted from the present transportation of the road engaged in the carriage of army supplies. Can they be spared? The attempt to remove any of the three branches will probably be enjoined (the Gainesville branch least likely in this case), in which event we must await the process of dissolving it before the courts or take it by military force. The Secretary of War has decided that the general commanding is the judge of the necessity in such cases, and with him rests the seizure by force. These branches, especially the New Berne and Marion, penetrate a country which contributes large supplies of grain and meat to the Army, and unless the necessity is imperious, the removal may cause more danger than benefit. The labor for the execution of this work and the teams for hauling cross-ties will have to be impressed. I found it exceedingly difficult to hire labor, even at the most extravagant rates, for the railroad work near Demopolis, and the impressment of labor since the late heavy drafts for Mobile and other points has become doubly difficult. The distance from Blue Mountain to Gadsden, the point to which the supplies are hauled by wagon, is about twenty-seven miles, and from Jacksonville about twenty-two miles, a difference of only five miles. The question arises whether, in considering all these facts, the movements of our Army in that direction are not of such a transitory character and the necessity so temporary and the advantages so slight, comparatively, as to render the undertaking inexpedient at this time.

I make these suggestions, general, with great diffidence and respect, believing that they may not have occurred to General Beauregard. If you so order, I will proceed immediately with the work and execute it as rapidly as possible, giving my most earnest attention to its early completion. The Government will have to advance the money to pay for the work and iron, the company not having the means to do it, and the cost be retained from transportation accounts due from the Government to the company. This is ample to reimburse the Government, but the funds for the labor will be required in advance. The iron can be paid for in Richmond. I shall require about $25,000 to start with for contingencies. Can the quartermaster here supply it?

Very respectfully, yours,

MINOR MERIWETHER,
Lieutenant-Colonel of Engineers.

BUREAU OF CONSCRIPTION,
Richmond, October 22, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Perhaps it may aid to some extent the effort to adjust the confusion in the recruiting and conscription service to trace clearly the progress of those changes and innovations which culminated in this condition. Up to the 1st of May the system you had instituted was, under great difficulties and impediments, working smoothly and with satisfactory results, furnishing large and rapid accessions to the Army and administering the conscription law in all its requirements for the public service. The act of 17th of February had been critically analyzed and a just exposition of it issued in general orders, which were in rapid progress of execution. Slight, but necessary, modifications arose in this progress, but were adopted or waived without material change. About this time your conscription organization was charged with the organization of the reserve forces, and was proceeding to that work when general officers were assigned to the command of the reserves and the enrolling officers of the conscript service put under their orders to complete the reserve organization. Here at once arose a cause of confusion. The reserves were to be conscribed as other persons liable to military service; the conscript authorities were performing the duty; the generals took possession of their agencies and instituted other rules of action. In Virginia they were subjected to orders inconsistent with the duties prescribed by the conscript authorities, and my refusal to sanction those orders or to denounce the enrolling officers for alleged want of active execution of them constituted a grave offense to the general commanding and at once terminated cordial harmonious co-operation.

Almost contemporaneous with this, and in submission to the clamor of individuals or the conjectures of uninformed officers, a system of inspection of the enrolling service was attempted and much vague and unfounded misrepresentation made concerning it. At the same time a protracted and wasting campaign was weakening the armies by disaster and desertion. The three influences combined to cast suspicion on the efficacy of the conscript organization; inspectors reported corruption and inefficiency; the Army wasted, and generals of reserves were seeking to swell their muster-rolls. The silent, but sure, legal working of the conscription authority overcoming popular prejudice, the opposition of State Executives and judicial authorities, the weakness of its own agencies, the clamor of ignorant and interested officials, filling the ranks as far as the law allowed, was unappreciated, and a general order was issued giving the control and conduct of the business of conscription to the general commanding the reserves. From the fact that the general commanding the reserves of Virginia has his headquarters at Richmond and is in daily and direct communication with you, it has not been deemed necessary by him, acting under General Orders, No. 73, to confer with or in any form to communicate with the Bureau of Conscription concerning the matter of conscription. By that order the local conscription authorities have been placed under his orders and he has assumed final jurisdiction, so far as the Bureau is informed, over the whole matter in Virginia. Practically, the Bureau has not the semblance of connection with conscription in Virginia, except to the extent of referring papers concerning extraneous duties to the general commanding the reserves, or through him to the commandant of conscripts under

his orders. The confusion, misapprehensions, and misunderstandings in the conscription service result solely from General Orders, No. 73, being construed in Virginia as transferring all control over or connection with that service from the Bureau of Conscription to the general commanding the reserve forces. My belief is that neither the President, you, nor any other competent authority ever intended such transfer. The experience in Alabama, Mississippi, and Florida was too recent and too sad to warrant a return to that fatal system. Trusting you will give due credit to one who by no possibility can have any other interest than the public service in submitting this statement, and humbly and earnestly recommending that you use the reserves to aid, not to control, conscription.

I am, with high and cordial respect, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

N. B.—I venture to offer a programme for a general order which may meet the case in hand.

[OCTOBER 22, 1864.—For Cobb to Seddon, relating to the arrangement between Governor Brown and General Beauregard with reference to the Georgia militia, see Series I, Vol. LII, Part II, p. 764.]

CIRCULAR No. 70.

CONSCRIPT OFFICE,
Richmond, October 22, 1864.

In the execution of Circulars 66 and 69, current series, from this office, the following instructions are transmitted for your information and guidance:

SECTION 1. In aggregating the slaves of an owner from which an impressment is to be made in the ratio prescribed—namely, of one in five—you will include all able-bodied domestic or house servants between the ages specified, but no slave employed exclusively as a domestic or house servant will be taken as one of the impressed slaves.

SEC. 2. The term "slave" will be construed as applicable as well to female as to male servants, and all able-bodied female servants between the ages specified will be included in the aggregate of one's slaves, care being taken, however, to impress in each case male slaves in fulfillment of the circulars above referred to.

SEC. 3. Whilst the orders governing impressments expressly prohibit the impressment of domestic or house servants and does not contemplate the impressment of females, it does not prohibit their being counted in the aggregate from which male slaves only will be impressed in the prescribed ratio.

SEC. 4. Enrolling officers are enjoined to execute these orders with diligence and promptness, particularly observing that the object, length of employment, and disposition made of the slave impressed under each circular is separate and distinct.

SEC. 5. The advisory boards will be charged with the execution of Circular 69 from this office in their respective counties, and the slaves impressed under said circular will be reported to Capt. W. H.

Fry, adjutant of the post at Camp Lee, furnishing in the case of each slave his appraised value, descriptive list, and name of owner.

By order of Lieut. Col. J. C. Shields, commandant:

JAS. H. BINFORD,
Lieutenant and Adjutant.

(To Local Enrolling Officers.)

SPECIAL ORDERS, No. 254. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, October 25, 1864.*

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VII. The organization of the First, Second, Third, Fourth, and Fifth Regiments of Georgia Reserves, as constituted by the order of Maj. Gen. Howell Cobb, commanding, &c., is hereby confirmed and made the action of the War Department. The organization of each of these regiments will date from the day on which its tenth company was mustered into service.

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By command of the Secretary of War:

JOHN W. RIELY,
Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, October 25, 1864.

General HOLMES:

DEAR SIR: Major Dowd informs me that you have instructed him that all applications for the detail of hands in factories working for the State must be submitted to Major Chisman. A portion of these applications have already received the approval of the regular conscript authorities, including yourself. The others I now inclose for your approbation also, and desire to accompany them with an explanation.

Though I have heretofore submitted to apply for details for the State as other parties, I deny the right of the Government to seize any person working for and in the employ of North Carolina in any department provided for by law. The Quartermaster-General, Lawton, has for a long time been endeavoring to force me to abandon the State's contract for furnishing its own troops, and every possible effort for this purpose has been resorted to. The last device was the attempt to conscribe the hands in all the factories which had contracts with the States and would not abandon them for Confederate contracts. More than one instance of an open and avowed attempt of this kind can be cited, long before the recent order revoking details. The order from Richmond directing these applications to be submitted to Major Chisman is, I have no doubt, a continuation of the same plan. I shall not submit to it. Whilst I am willing that every man shall go and everything stop at the decisive hour, I am not willing that General Lawton should break down the State of North Carolina in this way and deprive her of the power to clothe her armies in the field. Should these details therefore be unreasonably refused I shall have to try tilts with the Confederate Government.

Very respectfully, yours,

Z. B. VANCE.

[OCTOBER 27, 1864.—For Taylor to Beauregard, with reference to the militia laws of Alabama and the failure of the Legislature of that State to amend said laws; also referring to the status of the militia of Mississippi, see Series I, Vol. XXXIX, Part III, p. 855.]

AMERICAN HOTEL,
Richmond, October 28, 1864.

General PEMBERTON:

SIR: I had the honor to say to General Gardner by note yesterday that there were a number of Marylanders here, most of them old soldiers and exempts (all of them), who wish to render service as far as they are able, and that there are enough to work four guns of your permanent fortifications, perhaps a larger number, and thus relieve more active men whom you may require for other service. If you desire it, I will cheerfully raise a company of such men immediately and undertake to serve four guns of such a battery, and feel quite sure that the work will, if required, be faithfully done. I am not able to march about, and there are many of them holding positions which would make it necessary for them to be here except as duty required, but can be relied on when wanted. This, of course, to last only during the emergency existing.

Yours, respectfully,

GEO. P. KANE.

[First indorsement.]

HDQRS. ARTILLERY DEFENSES, DEPT. OF RICHMOND,
October 29, 1864.

Respectfully referred to the Honorable Secretary of War to know whether such a temporary organization as is proposed by Colonel Kane can be accepted for service with the artillery defenses.

J. C. PEMBERTON,
Lieutenant-Colonel, Commanding.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF RICHMOND,
October 31, 1864.

Respectfully forwarded.

The delay in getting the men together when required would probably make it too late for their services to be available. Could this difficulty be removed and Colonel Pemberton desires their service, I suppose they would be of advantage.

R. S. EWELL,
Lieutenant-General.

[Third indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
November 12, 1864.

The proposition by Mr. Kane is to form a company for local defense and special service in heavy artillery, with the special provision that it will not be employed elsewhere than in General Pemberton's lines, and then only in emergency, to be composed of Marylanders not liable to service. Respectfully submitted to the Secretary of War, recommended.

By order:

SAML. W. MELTON,
Assistant Adjutant-General.

[Fourth indorsement.]

NOVEMBER 20, 1864.

Retained for conference with the President.

J. A. S.,
Secretary.

CIRCULAR.] RICHMOND, *October 31, 1864.*

It has been frequently represented by officers of this department in charge of the collection of supplies, and who have acquired experience in the working of the system, that the present practice of the commissioners appointed for the several States under the impressment law in changing every two months the schedule prices of the articles of prime necessity, such as wheat, corn, &c., tends not only greatly to embarrass the collection of supplies but also creates great dissatisfaction, for the following reasons:

Very many citizens, either from the best motives or because they are more accessible to our armies by railroad or other transportation, sell their surplus or have it impressed at an early period, and for that reason at a lower price, while those who act on less patriotic impulses, or who, from accidental causes, are more remote and inaccessible, by retaining their surplus to a late period of the season obtain thereby the advantage of a change of the schedule prices and thus frequently a much larger price than those who sold earlier in the season. By this means a premium is given to withhold the supplies and fair cause of complaint afforded those citizens who, either from patriotic motives or for other reasons, have sent forward, or have been compelled to part with, their surplus at the lower price.

It is respectfully suggested to the commissioners of the States east of the Mississippi River that it would be much fairer to the citizens and of decided advantage to the Government to fix a price for the articles of prime necessity, at least for the harvest year, which should remain unchanged by them during that period. In fixing the price the commissioners might have reference to what, in their judgment, would be the price six months after the commencement of the harvest year, and when thus fixed might give assurance in the published schedule that it would not be increased.

A. R. LAWTON,
Quartermaster-General.

(To H. K. Burgwyn, Garysburg, N. C.; Ro. V. Blackstock, Stocksville, N. C.; J. J. McRae, esq., Bucatunna, Miss.; W. W. Mason, Tuskegee, Ala.; John Finlayson, commissioner for Florida, Tallahassee, Fla.; G. D. Moore, Brookville, Miss.; Alfred M. Martin, Brighton, S. C.; U. B. Wilkinson, Newnan, Ga.; B. F. Perry, esq., Greenville, S. C.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., October 31, 1864.

Maj. Gen. HOWELL COBB,
Commanding, &c., Macon, Ga.:

GENERAL: I have received your letter of the 22d,* relative to the arrangement made between General Beauregard and Governor Brown

*See Series I, Vol. LII, Part II, p. 764.

in regard to the militia of Georgia. The course pursued in reference to the detailed men in the militia is approved, and considered under the circumstances the best line of action to be adopted. Should, however, the militia be recalled from active service the Confederate claim on the detailed men must be asserted.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

GENERAL ORDERS, No. 83. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., November 1, 1864.*

I. All soldiers hereafter furloughed at department or army headquarters, or at hospitals, by reason of disability resulting from wounds or sickness, will rejoin their commands at the expiration of the time originally allowed, unless, in the opinion of a medical examining board, their condition is not such as to permit them to make the journey without serious detriment to their health. All now absent are required to return at the expiration of their present furloughs, except those unable to travel. The certificate required above will be promptly forwarded to the company commanders.

II. Generals commanding reserve forces in the several States are charged with the execution of this order. They will cause to be collected and forwarded without delay to their respective commands all men who come within the provisions of the preceding paragraph, that they may be discharged, retired, or assigned to active or light duty, as circumstances may justify.

III. Paragraph VII, General Orders, No. 48, current series, is thus amended:

Officers of the Quartermaster's Department failing to return the sacks in which grain is received from the quartermaster will be charged $3 for every one not returned.

IV. Paragraph I, General Orders, No. 74, 1862, is so modified as to require the enforcement of the conscript act in the Department of Southwestern Kentucky.

V. Candidates for appointment to the position of military storekeeper in the Ordnance Department will hereafter be subject to such examination, prior to appointment, as may be prescribed by the Chief of Ordnance.

VI. Commanders of cavalry regiments or battalions will require company commanders to keep a descriptive roll of all horses in their companies, noting all changes which are made amongst them by casualties or other causes, as they occur.

VII. Every horse borne upon the descriptive roll will be treated as public property, so long as forage and the 40 cents a day are drawn from the Government. No soldier will be permitted to ride his horse, except in the discharge of public duty, or to sell or exchange him, except to secure one more serviceable, such superiority to be determined and certified by the company officers present for duty, and the fact noted upon the descriptive roll. Such sales or exchanges, however, are strictly forbidden between cavalrymen of the same or different commands.

VIII. Brigade inspectors, in making inspections, will examine these descriptive rolls, observing that they accurately describe the number and distinguishing marks of the horses. Where they discover horses to have been used for private purposes, or disposed of

in violation of orders, they will note the facts upon the inspection report, with the names of the company commanders permitting it, and of the soldiers so offending, sending up charges against all, with the view to their trial by court-martial.

IX. Horses forfeited under the action of General Orders, Nos. 53 (act 26) and 55, Adjutant and Inspector General's Office, of 1864, may be purchased, after appraisement, for the benefit of owners by deserving cavalrymen who have lost their horses by the casualties of battle.

X. Inspectors will report on their "inspection reports," for transfer to the infantry, all men found dismounted through their own carelessness, or whose horses may have been rendered unserviceable by neglect or hard usage upon other than public service.

Descriptive roll of animals belonging to company ——, regiment —— brigade ——, division ——.

DESCRIPTION OF ANIMAL.

To whom horse belongs.	Height.	Color.	Distinguishing marks.	Mare.	Horse.	Remarks.
A. B.....	15 hds .	Sorrel..	Star in forehead, &c.			

XI. The following is substituted for paragraph IV, General Orders, No. 73, current series, which is hereby revoked:

All applications for exemption and detail will be transmitted to the superintendent of the Bureau of Conscription for decision. The office of Congressional district enrolling officer is abolished, and reports and returns of the commandants of conscripts will be made to the Bureau of Conscription, and a copy of each will also be furnished to the generals of reserves. An officer may be assigned to duty in each Congressional district by the generals of reserves as inspector of conscription.

By order:

S. COOPER,
Adjutant and Inspector General.

BUREAU OF CONSCRIPTION,
Richmond, Va., November 1, 1864.

Lieut. Col. J. C. SHIELDS,
Commandant of Conscripts, Richmond, Va.:
(Through Major-General Kemper, commanding reserves.)

SIR: The Secretary of War directs that all persons coming from the counties of Princess Anne and Norfolk and Norfolk City to enter the military service of the Confederacy be allowed unrestricted selection of the companies to which they may be respectively assigned.

I am, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[First indorsement.]

HEADQUARTERS RESERVE FORCES, VIRGINIA,
November 22, 1864.

Respectfully returned to the Bureau of Conscription.

Numerous orders and communications are being addressed by the Bureau to my subordinate, Colonel Shields, through myself; others, directly to Colonel Shields.

It is submitted that the Bureau cannot direct its orders to an officer expressly placed under my direction without contravening the orders of the War Department and the regulations of the Army in regard to correspondence.

All communications and orders affecting the business of conscription in this State should be addressed to the officer conducting that business, and not to any one of his subordinates.

J. L. KEMPER,
Major-General.

[Second indorsement.]

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, November 29, 1864.

Respectfully transmitted to the Secretary of War, whose attention is invited to the fact that the order, the form of transmission of which is objected to, purports to be and is by order of the Secretary of War, and is sent through Major-General Kemper.

If the custom of armies be accepted as the interpretation of regulations, there is no violation of those regulations of courtesy or etiquette in addressing an order from the supreme authority to the officer who is to execute it, provided, as in this case, his immediate superiors are duly informed by transmitting the order through them.

Acting on this custom, this Bureau since its institution has daily transmitted papers through Generals Lee, Beauregard, Johnston, and others, and through the generals of reserves to officers under their orders. This is the first protest against the practice received at this Bureau.

It is believed the practice is customary in the field, and certainly that the largest portion of the correspondence of the War Department is so transmitted.

This Bureau entertains no desire and has manifested no purpose of passing by General Kemper in the promulgation of the orders of the Secretary of War. On the contrary, peculiar caution has been exercised in its correspondence with that officer to avoid departures from special courtesy—a caution not demanded by the tone of correspondence with generals of reserves in other States.

Under paragraph XI, General Orders, No. 83, this Bureau is not prepared to admit that the commandant of conscripts for the State of Virginia is the subordinate of the general of reserves. Under that paragraph the commandant is directly responsible to this Bureau in matters similar to that to which this paper refers. Instruction on this point respectfully asked.

JNO. S. PRESTON,
Brigadier-General and Superintendent.

CAMP IN INTRENCHED LINE,
Near Mobile, Ala., November 2, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: We, the undersigned, were appointed a committee on the part of the officers and men of what was known as Lockhart's battalion, and now as the First Regiment Alabama Reserves, to prefer the following petition: That the regiment with its present organization be transferred to Provisional Army, C. S. We would not feel justified in presenting this petition if the companies of this organization had been organized and mustered into the service under the "act to organize a reserve corps." But inasmuch as eight companies were organized and mustered into the service by and with the authority of General Pillow before it was even known that the act referred to above was in contemplation, and inasmuch as the young men of this regiment voluntarily entered the service without regard to State lines months before, and many of them years before, they were liable to military duty, we feel that it is our duty and but justice to them to make every effort and employ all the means in our power to have the regiment with its present organization transferred to the Provisional Army, C. S. Relying on a general order from Brigadier-General Pillow, the then chief of the Bureau of Conscription in the States of Georgia, Alabama, and Mississippi, that the boys entering these organizations (the companies the raising of which he had authorized) should not be conscribed, the officers proceeded to organize the several companies. By an order from Governor Watts these unattached companies were organized into a battalion by the election of field officers on application recommended by the Governor. The battalion organization was accepted by the War Department, and ordered (contrary to the expectation of all) to report to Major-General Withers as a part of the Reserve Corps of the State. Even then, relying on the ambiguity of the phrase "as a part of," and the assurance of the Governor that the intention of the War Department had been misapprehended by us, and that they will go organized as one body (that is, into the Confederate service), we went to the field believing that our gallant boys would never be troubled by conscription. Besides, the officer, acting in good faith, had as an inducement to them to enter the service assured those youths that they would never be conscribed. They entered the service voluntarily, and, as previously stated, before the enactment of the law establishing a Reserve Corps; they have cheerfully undergone the hardships incident to the service; they have braved the danger of battle, parts of four companies now being prisoners of war; they have acquired an esprit de corps, an attachment to their present organization, and we would respectfully submit that it would be a humiliation entirely unnecessary,-and not demanded by the exigencies of the service, to subject them to the disgrace of conscription. We think it proved beyond doubt that the voluntary service of our enthusiastic young men, subjected to the requisite drill and discipline, is far superior to the unwilling service rendered by conscripts, and we therefore respectfully ask if the War Department can expect as efficient service from these young men when forced into other commands as it now has in a command to which they are attached? In addition to the above the officers (many of them wounded, and in part disabled men from the armies of Virginia and the Southwest) never for once entertained the idea that they were organizing a moving "camp of instruction" for the enrolling officer.

They further respectfully submit that they cannot hope to fill up the ranks of the regiment if depleted by continual drafts, nor can they expect to maintain that high standard of drill and discipline which they flatter themselves they have attained.

In consideration of the above facts, and without citing as precedents the reception of other regiments organized at and after the same time of our organization, we respectfully ask that the regiment be allowed to take its place in the Army of the Confederate States and be numbered in the regular series of the regiments from Alabama.

We are, general, very respectfully, your obedient servants,

D. E. HUGER,
Colonel.
J. L. DAVIDSON,
Lieutenant-Colonel.
JNO. W. PITTS,
Captain Company C.
J. L. WALTHALL,
Captain Company E.
W. C. WARD,
Captain Company A.

[First indorsement.]

HEADQUARTERS RIGHT WING, DEFENSES OF MOBILE,
November 3, 1864.

Approved and respectfully forwarded.

B. M. THOMAS,
Brigadier-General.

[Second indorsement.]

HEADQUARTERS DISTRICT OF THE GULF,
Mobile, November 4, 1864.

Approved and respectfully forwarded.

DABNEY H. MAURY,
Major-General, Commanding.

[Third indorsement.]

HEADQUARTERS RESERVES, ALABAMA,
Montgomery, November 5, 1864.

Respectfully forwarded.

The two companies mentioned as added to the battalion to constitute the First Regiment were being raised under like orders with the other eight, but were not quite completed when the act of the 17th of February was passed. The date of actual organization constitutes the only difference. This regiment has certainly claims to consideration which cannot be preferred by any other portion of the reserves—the circumstances under which the companies were raised; their long service without pay; being officered by men of experience, eleven of whom have been wounded in the battles in Virginia; the assurances given them by high State officials and Confederate officers, and the heretofore quasi recognition of them by the Government in their retention in service from their organization. The morale of this regiment would be greatly strengthened by granting this petition, and good service can certainly be expected of it.

J. M. WITHERS,
Major-General, Commanding.

[Fourth indorsement.]

EXECUTIVE DEPARTMENT OF ALABAMA,
November 8, 1864.

At my instance this command was ordered by the President to be received with its organization, and it was required to report to General Withers. (See my letter of the 27th of April to President Davis.) In response to this letter the President directed the organization to remain. It would be injustice to the men and officers to permit any to be conscribed, especially when they wish to go into the service as organized. It would also violate the order of the President and do great harm, and produce great dissatisfaction with the best people of the State.

T. H. WATTS,
Governor of Alabama.

[Fifth indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
November 25, 1864.

Respectfully submitted to the Secretary of War.

Lockhart's battalion was composed originally of eight companies, consisting chiefly of youths under eighteen years of age. Nothing has been found in the correspondence of this office to authorize the impression that the members who became liable to conscription would not be assigned to organizations existing prior to 16th of April, 1862. A letter to Major-General Withers dated July 6, 1864, returned the muster-rolls of five companies, that the ages might be entered, and stated that if they were under eighteen they composed part of the reserves under his command, but that those under eighteen must not be mustered for general service, as they would, on attaining that age, become liable to assignment to companies organized prior to 16th of April, 1862. Another letter to General Withers dated July 11, 1864, authorized the retention of the officers between eighteen and forty-five, stating that it was an exceptional case. Major-General Withers has added to the eight companies two others, organized in like manner and from like material. He advises that the petition be granted and the present organization preserved. Governor Watts, of Alabama, urges the same view. The papers are submitted to the Secretary of War for instructions, inasmuch as the application is specially indorsed by the Governor of Alabama.

By order, &c.:

JNO. BLAIR HOGE,
Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, November 2, 1864.

General T. H. HOLMES:

GENERAL: In conformity with your request I inclose you a list* of the classes of persons whom I have claimed as necessary State officers and agents to be exempt from conscription, together with a copy of a joint resolution* of the Legislature as the authority for my claim. To these I only desire to add that I claim any and all persons in the actual employ of the State in any department where the law enjoins

*Not found.

duties to be done which require the employment of such persons. Without such power to employ any needful agents no department of this Government could be carried on for a moment, and the State would be shorn of its sovereignty and crippled in all its operations. Since our conference on this subject you will have learned of the decision of our supreme court in Johnson vs. Mallett, in which it is laid down as law that my certificate in behalf of an officer is not material; that all officers and agents provided by the Constitution or the laws made in pursuance thereof are, without regard to any action of the Congress, exempt from conscription. I regard this as settling the whole question, and shall be governed by it accordingly. Feeling as deeply interested in the filling up of our armies as any one can be, I have only to say, in conclusion, that it shall be my purpose to aid you by filling, as far as possible, all the departments under my control with non-conscripts, and turning over all able-bodied men who can be spared.

Very respectfully, yours,

Z. B. VANCE.

[First indorsement.]

HEADQUARTERS RESERVES, NORTH CAROLINA,
Raleigh, November 3, 1864.

Respectfully forwarded to Bureau of Conscription.

TH. H. HOLMES,
Lieutenant-General, Commanding.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, November 8, 1864.

Respectfully referred to the Secretary of War for his information.

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Third indorsement.]

NOVEMBER 9, 1864.

ASSISTANT SECRETARY:

Have you seen or heard of the decision referred to? It would involve an awkward relation to these employés. I am bound, am I not, to act upon the conscript law without reference to these State decisions? and yet the result would be conflict. What do you advise?

J. A. S.,
Secretary.

[Fourth indorsement.]

SECRETARY OF WAR:

I have not seen the decision referred to, but it corresponds with one made by Chief Justice Pearson last spring, in the case of one Russell (I think that is the name), who was conscribed by General Whiting. Governor Vance presses the decision beyond its limits when he claims all the employés and agents, &c. The decision, in my opinion, is erroneous, as militating against that supremacy which the Constitution ordains in respect to the legislation of the Confederate States in the subjects committed to them.

Respectfully,

J. A. CAMPBELL,
Assistant Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 3, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: The operations of the War Department since the date of my last report embrace in their scope the events of the present campaign, which at that time had not been fully opened, and which has not yet been brought to a close; also, the measures instituted for the increase, organization, equipment, and supply of the Army, under the laws adopted at the last session of the First Congress. The importance of the elections to occur within the United States during the present year, the condition of their finances, and a growing discontent among their people because of the duration of the war, induced a belief that their executive and military authorities would prosecute the campaign with extraordinary vigor and seek to render it decisive and final. Nor has this anticipation been disappointed. In the winter and spring the enemy collected a larger body of men than he had before assembled in the field, who were commanded by his favorite generals. His fleets were enlarged, and their armaments embraced all the improvements that naval architecture had discovered. His arms and equipments were of the most improved model, and whatever was required for the success of the campaign was supplied with lavish profusion. He opened the campaign by an attempt to obtain command over the States bordering on the Gulf of Mexico. He invaded Florida, set on foot an expedition to sweep through Mississippi and to effect the capture of Mobile, and he penetrated with formidable armies to the western limits of Louisiana to establish his dominion over that State. The success of these enterprises was expected to give him a firm hold upon these States and to enable him to concentrate all his energies upon the campaigns in Virginia and Georgia. But these invasions were defeated or repelled. My last report communicated the victories obtained in Florida and North Mississippi that relieved Alabama and Florida from the invader, and I have now to announce a series of brilliant triumphs obtained by our arms in Louisiana and Arkansas, commencing with the signal victories of Mansfield and Pleasant Hill, and extending into the interior of Missouri, where our victorious troops were at the date of our latest information. Almost the entire Trans-Mississippi Department enjoys security and repose, and the troops, long engaged with invaders there, may now, as in part they already are, be employed in formidable offensive operations. But the primary object of the enemy was to effect the capture of Richmond and the defeat and dispersion of the armies of Northern Virginia and Tennessee. He assembled his main army for this purpose in April last on the Rappahannock, under General Grant. Another was collected on the Peninsula, under command of General Butler, to co-operate on the south side of Richmond. A third was designed to penetrate to the James River through the Valley of Virginia, and the forces in Western Virginia and Kentucky were to cross the mountains and join it on its march.

It is believed that more than 200,000 troops were combined for the execution of this plan in April last, and that from 50,000 to 100,000 men have since been added as re-enforcements. The army of General Grant was met at the Wilderness on the 5th of May last and defeated; it was encountered with the same result at Spotsylvania Court-House, on the Po, the North Anna, and at Cold Harbor, after which it abandoned its march on Richmond and crossed the James River to

form a junction with General Butler near Petersburg. This army of General Butler had landed on the south side of the James River, at Bermuda Hundred, early in May, to co-operate with the army of General Grant, which was expected to arrive before Richmond in a short time. On the 16th day of May this army met with a defeat at Drewry's Bluff, and was confined to its intrenchments from that time until it was joined by the army of General Grant.

The army of General Sigel, designated for the invasion of the Valley of Virginia, was defeated at New Market in May last, and the troops from Western Virginia driven from the valley of the upper Roanoke about the same time. At a later period these armies were united under General Hunter, and after a successful march up the Valley of Virginia, were encountered by General Early at Lynchburg and driven to the Ohio River. General Early, finding Washington City and Baltimore exposed, passed through the Valley, defeating all opposing forces, crossed into Maryland, and penetrated to the suburbs of Washington City and Baltimore. The cavalry raids of Sheridan and Wilson were defeated, and the attempts to permanently obstruct our communications have failed. The campaign projected by General Grant with such mighty preparation has been frustrated, and if he depended alone upon the means that were provided and were deemed to be superabundant, his failure would be absolute. But a proclamation has been made for the draft of 500,000 men by the President of the United States to recruit his defeated and dispirited army and we cannot yet claim security or quiet.

In the great central State of Georgia the campaign opened about the same time, but operations have been so far less favorable to our arms. Preparation had been there made early to meet with adequate forces, exceeding the relative disproportion which has usually existed with all our armies, and repel the enemy on the threshold of the State, but prudence or strategy led the general intrusted with the conduct of the campaign to prefer a retreating and defensive line of action. In consequence our forces, though not without, on several occasions, severely checking and punishing their adversaries, whenever venturing direct assault, were gradually maneuvered or pressed back toward Atlanta, the leading objective point of the campaign. When that important central point of union to various converging lines of communication had been nearly reached, and appeared about to be abandoned, a change was made in the commander, and a strenuous effort was made to hold and defend, by force of arms, this place, which had become more important in a political and moral than in a military view, from the significance the public of both sides had attached to its possession. It was bravely held for several weeks, and some successes, achieved with skill and valor, for a time seemed to assure to us its retention, when a hazardous movement of the enemy, which, with as much success to our arms as there was promptitude in seizing the occasion by our commander, must have caused his ruin, resulting in victory, compelled our evacuation of the city and its occupancy by the enemy. This was felt as a serious reverse, and caused some depression of feeling throughout the Confederacy, while it was hailed with unbounded acclamation and revived hopes by the enemy. For the time the loss of prestige and the political effects were unquestionably adverse to us, but results may show that its consequences were, on both sides, strangely misunderstood and exaggerated. It has liberated our army for offensive operations, while it has chained down our enemies to the tenure of a far inland position

of no real strategical value since the breaking up of its railroad connections, in the midst of a hostile population, and to be sustained only by supplies drawn hundreds of miles by a single line of road. The opportunities presented by such a situation have been seized and used by our bold and enterprising leader with promptitude and energy. The communications of the enemy have been cut in many places. Our army is in his rear, and he, instead of resting securely behind the strong intrenchments of his recent capture, is forced to come forth to encounter his skillful adversary on ground of his choice and where defeat is ruin to the enemy, only reverse to us.

Meantime the necessity for concentration by the enemy of his scattered forces for the invasion of Georgia compelled the relaxation of the bonds which have restrained the patriotic desires of the loyal in Kentucky and Tennessee. In consequence, in different portions of both States, with the encouragement of some little aid from an officer or company of our Army, the people are organizing and arming in force to repel their oppressors and hold their own country. In fact, at this time we have possession of larger portions of both States than at any period since they were overrun by the enemy, and by the indignities and wrongs of their domination they have roused all loyal people to stern defiance and the resolve never to submit. Should disaster overtake the army invading Georgia, the uprising of the people behind him would probably be general, and the re-establishment of the permanent ascendancy of the Confederacy over those important and abundant States be fully secured.

Shortly after the fall of Atlanta a series of disasters befell our troops in the Valley of Virginia and contributed to the discouragement then existing. But when we consider the events of the entire campaign—the brilliant achievements of our armies in Florida, Mississippi, Louisiana, Arkansas, and Missouri; the long, arduous, and successful resistance made by the Army of Northern Virginia, in which every virtue of an army and the genius of consummate generalship have been displayed; the glorious defense of Petersburg and Richmond; the numerous successes that have crowned our arms in Maryland, Virginia, Georgia, South Carolina, and Mississippi; the adventurous, bold, and effective efforts of our cavalry under Hampton, Forrest, Lee, and others—we have cause for congratulation and rejoicing. We have resisted the mightiest of the efforts of our enemies; we have encountered and defeated his largest and best appointed armies; we have thwarted his best-laid plans; we have shown ourselves to be worthy of that separate and equal place among the nations of the earth, which is our birthright, and which has been unjustly withheld from us.

The superintendence of the measures for the increase, organization, equipment, supply, and movement of the Army is devolved upon this Department. The acts of Congress of April and September, 1862, "to make further provision for the public defense," and the act of Congress in February last "to organize forces to serve during the war," contain the authority of the Department and designate the means for maintaining the efficiency of the Army as to men. The war upon the part of the Confederacy being defensive the proportions it was to assume depended upon the character and extent of the means employed by the enemy for its prosecution. His scheme for the prosecution of the war was to overcome all opposition by the magnitude of his armies and the superiority of their supply and equipment. Referring to the census tables, he estimated the arms-bearing popula-

tion of the Confederate States, accessible to their control in any form, to be less than 1,000,000 men. He determined to place forthwith in the military and naval service some 700,000, and thus to compel the Confederacy to put in requisition its entire strength; and since 1861 he has strained every nerve to maintain his armies at the same standard as to numbers. He has recruiting agencies throughout the continent of Europe, and he has enlisted from the negroes of this continent, it is said, some 200,000 soldiers. It is evident, therefore, that to carry on the contest the Confederacy was compelled to put its entire resources in requisition. The acts of Congress of 1862, before mentioned, contain the principle that in a struggle involving the being of a nation every citizen may be assigned to that position and to perform that duty in which he can render best service. The exemption acts of 1862 and 1863, which followed the acts of conscription, do not contradict this principle. They were designed to effect such an organization of the industry of the States as to enable us to defend ourselves with our own resources. Cut off from the commerce of the world, and destitute as we were at the beginning of the war of magazines and arsenals from which to draw supplies, it became apparent that our safety depended upon the activity and success with which our internal resources could be developed for use. There was an imperious necessity for a protection to manufacturing, mechanical, and mining enterprises, and for the devotion of agricultural industry to the production of subsistence for the Army and people. The exemption acts of 1862 and 1863 were liberal in the promotion of this policy, and the Confederacy has derived from them the most beneficial results. Notwithstanding the embarrassment and obstruction that follow upon the use of a depreciated currency, and that much of the territory of the Confederacy has undergone the devastation of war, an adequate supply of provisions has been obtained for the Army. The mobility of our armies has been maintained by the aid extended to railroads; the manufacturing establishments have supplied a large portion of the clothing for soldiers, and the mechanical, mining, and manufacturing industry employed upon the production of arms and munitions of war have enabled us to conduct our campaigns with security and confidence. We have been enabled to compete with a nation of artisans and mechanics, whose invention and skill have been stimulated by the munificent bounty of their Government. Nor were these results achieved by any sacrifice, nor even detriment to the claims of the armies in the field. The muster and pay rolls of the armies show that through the campaigns of 1862 and 1863, if any undue diminution is discernible, it was due to desertion and absenteeism more than to any deficiency in the recruiting system that had been adopted. But it cannot be disguised that the duration of this war for more than three years, and the unparalleled largeness of its proportions, and the sanguinary nature of the warfare, have become manifest in the official returns of our armies and of the recruiting service. The acts of Congress during the last winter contain admissions of the fact. They provide in no indistinct terms for the contingency that was anticipated shortly to occur, when the capacity of our people to contribute further recruits to the Army would be more heavily taxed than at any former period. The regulation that discharged a principal who had furnished a substitute was abrogated and the principal was required to return to the Army. The bureau service was curtailed in its efficiency by the withdrawal of men able to perform duty in the field and their places to be supplied by the disabled, feeble, and invalid. A large portion of

the exemptions were repealed, and details were limited to cases of public necessity or State expediency or confined to experts and persons of skill and craft. The Department was unable to execute the law as soon as it was promulgated without deranging all branches of the service and seriously crippling the operations of the armies in the field. The dependence of those armies upon the departments of supply for efficiency and vigor is too intimate to allow of any abrupt or incautious disturbance of their operations. The reduction in their service to the standard required by the act of Congress was, however, progressing regularly in such mode as to assure against any shock or arrest to essential operations. But the urgency of the field service, the thinning of our own ranks under the casualties and sufferings of the campaign, and, above all, the call of the enemy for 500,000 recruits and the extraordinary efforts they were making to assemble overpowering hosts on every arena, but especially before and for the capture of our Capital, demanded that all available means should be promptly employed to increase the numbers and efficiency of our Army. It became necessary not only to expedite the removal to the Army of those whom the act referred to had proposed to withdraw from their employment in the administrative branches of the service, but also to extend the call to all others liable to conscription for active service. The late legislation of Congress, while subjecting classes before exempt to service, had given a large discretion of detail, and had manifested a desire for the liberal allowance of such, with a view to maintain the agriculture, manufactures, and industrial operations of the country. This discretion had been used as far as seemed, at the time, compatible with the demands of the active service, and had withheld for these important ends considerable numbers not exempts from our armies. It has been, in view of the forces mustered against us, deemed necessary to revoke all such details, and to enforce rigidly the laws of conscription limiting to men capable only of light duty and to reserves employment in the departments of the public service, and thus to liberate for the field all liable to such duty, except skilled artisans, experts, and men of science, and a few others actually indispensable for the maintenance and supply of the armies. By subjecting all others rigidly and promptly to the obligation of active service which the law imposes, it is believed very considerable re-enforcements of the most efficient material are being afforded to our armies. In addition, the law allowing the acquisition, even by impressment if necessary, of 20,000 able-bodied male slaves, for employment with the armies as teamsters, cooks, and the like, is being enforced, and the substitution of such will allow the recall to the ranks of many valuable men who have heretofore been detailed for such incidental service.

The reserves, too, consisting of those between seventeen and eighteen and those between forty-five and fifty years of age, have been organized under a commander for each State, and where the State has been invaded have been called into active service. They have been found an efficient force to supply guards to cities and public works, and for the large number of prisoners in our hands, and also as defenders of bridges, roads, and important points, and have thus liberated for the field many soldiers who must otherwise have been drawn from the active armies. On several occasions, too, portions of them have been thrown with the armies in the field as active auxiliaries. So far, whenever tried, they have exhibited the characteristic

valor and aptitude of our people for military life, and have compared well with their veteran comrades in constancy and conduct.

These various measures, sanctioned by existing legislation, must materially increase and reinvigorate our depleted armies, but it is not to be disguised that they must still leave those armies relatively weak to encounter the hosts being summoned by the enemy for our subjugation. Signs of exhaustion and despair of success were, until some late unhappy reverses to our arms, plainly manifested by our malignant foes, and this is probably the last grand effort their means or resolution will allow for their war of aggression and conquest. It should be met and overcome by the early and full command of all our men and means, and for this additional legislation is required. It is my deliberate conviction, more than once expressed in former reports, that the policy of exemptions to those capable of military service is unwise, and that all men between the ages of eighteen and forty-five capable of bearing arms should, without distinction of occupation or profession, be subjected to service and called to the field. The few indispensable exceptions for the needs of society and the supply of the Army might be readily and more conveniently provided by details. Exemptions by classes necessarily cover many not actually demanded by society for the needs that, on the average, may have given plausibility to the exceptions, and such exceptions, besides inducing invidious feelings and dissatisfaction, compel a discrimination in the call for service which both delays and measurably defeats its full accomplishment. It is therefore urgently recommended that all exemptions except of officers actually essential to the conduct of the Confederate and State governments be abolished, and all of the military age, physically capable, without distinction or discrimination, be at once devoted to the sacred duty of defending their country in the field. They would probably constitute as large a draft for continuous service in the field as the interests of society would allow, but it is not doubted that, with the aid of our slaves, those beyond and below the ages prescribed for active service, with the large number of those fit only for light duty, and the partially disabled by service, would suffice adequately to maintain necessary production and supply, both for the armies and the people.

With a view to the increase of our armies in the field, the policy has been suggested, and has attracted some public attention, of enlisting our negro slaves as soldiers. No compunction could be felt in so using them, for deeply as the whites of the South are interested in repelling the invasion, and forever liberating themselves from the association or thraldom of our enemies, the negroes of the South are even more vitally concerned. With the whites it is a question of nationality, of honor, and property. With the negroes, in its dread issues in no distant future, it is a question of their existence as a race. The friendship of a people so selfish, cruel, and remorseless as our foes would be to the unhappy negro more fatal than to us their enmity. In contact with them, under their pretended freedom before the law, which in operation on an inferior race is but a license to greed and oppression, exposed to all the vices, without the providence of the civilized man, they must soon, in the language of a leader among their professed friends, "be trampled out as a sickly exotic" or wither away amid the blighting influences of debauchery, pauperism, crime, and disease. They have, besides, the homes they value, the families they love, and the masters they respect and depend on to

defend and protect against the savagery and devastation of the enemy. No fear is entertained of their fidelity, for the feelings, as the interests of the great mass of the negroes have been conclusively manifested to be with their protectors and masters. Neither is it doubted that, under the leadership of those whites to whom they have been habituated and in whom they have confidence, they would exhibit more steadfastness and courage than they will ever attain as soldiers of the enemy. If any added incentive were required, from the supposed love of freedom natural to man, it might readily be afforded by the assurance of emancipation to all who conducted themselves with fidelity and courage during the war. For any such action it would, of course, require the concurring legislation of each State from the slave population of which the negro soldiers had been drawn, because to the States belong exclusively the determination of the relations which their colored population, or any part of them, shall hold. It is not doubted, however, should it be deemed expedient so to employ and reward slaves enlisted as soldiers, that the necessary legislation would be accorded, for there is no sacrifice of property or minor interests which would not be made by either our States or people to insure final separation from our hateful foes and the achievement of our liberty and independence. While it is encouraging to know this resource for further and future efforts is at our command, my own judgment does not yet either perceive the necessity or approve the policy of employing slaves in the higher duties of soldiers. They are confessedly inferior in all respects to our white citizens in the qualifications of the soldier, and I have thought we have within the military age as large a proportion of our whole population as will be required or can be advantageously employed in active military operations. If, then, the negro be employed in the war, the inferior is preferred to the superior agent for the work. In such a war as this, waged against foes bent with malignant persistence on our destruction, and for all that man holds priceless, the most vital work is that of the soldier, and for it wisdom and duty require the most fitting workmen. The superior instrumentalities should be preferred. It will not do, in my opinion, to risk our liberties and safety on the negro, while the white man may be called to the sacred duty of defense. For the present, it seems best to leave the subordinate labors of society to the negro, and to impose the highest, as now existing, on the superior class.

The reserves might remain, as now constituted, for service throughout each State; but, in addition, it would seem expedient that all other white males capable of bearing arms, in even local service, should be organized and armed, ready to maintain the police of the country and to resist, within the limits of their counties or some restricted district contiguous thereto, the actual raids or invasions of the enemy. No serious interruptions would thus be caused to their industrial avocations or their relations to society, and yet a greater degree of security and confidence and a universal sentiment of patriotic self-devotion would be secured. In the war waged by malignant foes, who aim not merely against our national existence but at the institutions of our social system, at the property and means of subsistence of all, and contemplate nothing less than desolation to the country and expulsion or extinction of its inhabitants, all, of whatever age, have both interest and duty compelling them to stand to arms in defense, according to the measure of their ability. The country should be as one great camp and the whole people arranged in the most efficient military organizations compatible with the maintenance of the necessary works

and productions of society for unflinching resistance to the utmost extremity. The subjugation of a brave people so organized and resolved is an utter impossibility.

Some measures of legislation are believed to be expedient to maintain the number and increase the efficiency of the cavalry in the field. The policy of requiring the men to furnish their own horses was at all times doubtful, as while affording apparently an inducement to greater care of the animal, it interferes with discipline and impairs efficiency. It also causes, almost of necessity, the dismounting for long periods of those who, having lost horses, are unable to furnish them speedily or at all, and the absence, often on protracted furloughs, of the men who have sustained such losses to procure other horses. Under the weariness of protracted service and the eager longing for return home, which at times possesses even the best soldiers, this chance of a furlough is said to more than counteract the interest of ownership in the horse and to constitute a premium on neglect or the allowance of casualties to disable their animals. A worse consequence, perhaps, is the tendency and temptation of the system to induce plundering and irregular modes of supplying themselves by the men. Those mounted are aware of the constant liability to the loss of their animals and of the difficulty and expense of replacing them, and are under constant inducement to obtain reserve horses or the means of purchasing them. Those dismounted are even more strongly stimulated by the inconveniences of their position and the danger of being transferred to less acceptable branches of the service to provide themselves, even by illegitimate means. These inducements are all enhanced by the limited class of casualties for which the value of the horse lost is repaid under present law, and the delays and embarrassments encountered in affording proof and obtaining payment. Horses are paid for, too, only at the valuations assessed at the time they are taken into service, and with the fluctuations in the value of our currency and the enhancement of prices resulting from the increasing scarcity of the proper horses, the value repaid is generally grossly inadequate. If the present system is to continue, it is indispensable that there should be wider range to the casualties in which the value is repaid, more liberality in the assessment of value, and greater facilities for prompt payment.

The class of men who constitute our cavalry, while among the most spirited and active of our citizens, are yet generally, from previous independent habits of life, most difficult to discipline and subject to subordination. Entering immediately on service, they have enjoyed few opportunities of previous drill or training, and from the detached and often irregular service in which they are frequently employed, they are much removed from the restraints and responsibilities of large commands. They are but too apt, therefore, while individually gallant and enterprising, to be wanting in organization, in discipline, and in the efficiency and reliability which should belong to trained troops. Our cavalry have performed many achievements of valor and utility, but they have also, on occasions of great importance, shown want of vigilance or constancy and caused disaster. These defects are believed to spring, not from deficiencies in the men, but in the system of selection and of training. It is believed it would be wiser that the cavalry should gradually be constituted of men picked from the trained and veteran soldiers for their peculiar qualifications, and that these should be mounted and equipped at the public expense. It might be made a penalty for the loss of their horses, through neglect

or any other than the inevitable casualties of war, that the men should be returned to the infantry service. This would probably be found more efficient than, under the present system, private ownership has proved to obviate neglect and secure due attention to the animals, while it would remove all inducement from self-interest to undue caution or escape under the legitimate hazards of war. There would be the certainty, too, that the men were trained and disciplined and habituated to fight as infantry, which in many instances our cavalry, from the nature of the country or the like tactics of the enemy, are compelled to do. It is not doubted that in this way the superiority of our cavalry over that of the enemy could be permanently established.

It has been more than once heretofore urged by the Department that to maintain the number and efficiency of our Army organizations it was essential there should be some power of reducing and consolidating them. The depletion of many of the organizations during the late wasting and bloody campaign has made this more than ever manifest. It is impossible adequately to recruit many of the reduced regiments and companies, especially those from the distant and trans-Mississippi States, and not a few are so thinned in their ranks as to cause despondency and inefficiency. There is necessarily, too, an undue proportion of officers to men, which adds to the expense while weakening the force of the Army. The evil is often so glaring that a remedy is obliged in some way to be applied. This is done, at the expense of subsequent embarrassments and confusion of legal rights, by the temporary union, by the authority of the general in the field, of fragmentary companies or regiments, or more legally, though indirectly, under the sanction of the Department, by the disbandment of some depleted organizations and the assignment, as by conscription, of the men to some other. In such case, however, there is no chance of selecting the best officers of both organizations, but there is the injustice of depriving all the officers, however meritorious, of the one disbanded of their commissions. It would evidently be much more just and beneficial to the service that the power should exist to consolidate the two and retain the best officers of each. It is recommended the power be granted.

It has been mentioned that for the organization and control of the reserves a commander has been assigned in each State. They constitute a peculiar and auxiliary force, which yet cannot, it is thought, be justly deemed an independent army. Hence an embarrassment results, which demands the correction of legislation. They are not entitled to order and revise the proceedings of courts-martial, nor if a military court, as is authorized by law for each State, should be appointed could they have it attached to their commands or review its decisions. As the reserves are necessarily rather deficient in order and training, the restraint and influence of such tribunals are specially necessary for their control and subordination. It is probably not necessary to give any military court, or revision of the decision of any established for the States respectively, as the power to appoint and revise the proceedings of courts-martial would suffice. Courts might then be constituted, to sit permanently, of disabled or invalid officers.

The condition of our gallant soldiers in the hands of the enemy continues to engage the solicitude and interest of the Department. The number of the captives on each side has been greatly swelled by the vicissitudes of the present fearful campaign, though the disproportion

heretofore existing against us has been by our superior successes greatly reduced, if not entirely overcome. It has been the constant desire and effort of the Department to effect exchanges on any principle of equity, and the opportunity has never been lost to make this known to the enemy and to obtain his concurrence. The obligations of the cartel and the faith pledged to its observance have been repeatedly invoked, but in vain. To such demands intimations were conveyed that the enemy would only agree to an exchange of man for man. So long as the enemy held, as they claimed, a superiority in the number of captives, it was seen that this mode of exchange would leave the surplus of our captive soldiers in their hands without, for the time, any adequate check on the inhumanity and cruelty they have been ever prone to exhibit toward such captives. Still, as the preponderance of numbers steadily diminished confidence increased that the prospect of speedy captures would soon enable us to check or avenge their malignity. This consideration, in aid of the powerful incentives, even more of humanity and gratitude than of interest, that urged any practicable effort for the relief and release of our imprisoned soldiers, induced us to overlook alike our just rights under the cartel and apprehensions of the probable ill-treatment of the surplus that might remain in the power of our vindictive foes, and to propose exchange on the very terms intimated as acceptable of man for man. The offer only afforded another illustration of the hypocrisy, faithlessness, and inhumanity of the enemy, for it was soon made apparent that their professed willingness was but a pretext and a blind, and, while they expected the plan would not be acquiesced in, to conceal their own determination to make no general exchange. They have here and there consented to partial exchanges, generally effected between commanders in the field, but the Government appears to have deliberately adopted the remorseless and inhuman policy of enforcing the captivity, with all its attendant sufferings, of the prisoners on both sides during the war. They pay thus impliedly to our gallant soldiers the tribute of admitted superiority, while they exhibit to the unhappy victims from their Army their own ingratitude, perfidy, and cruelty. One of their favorite commanders has not even hesitated to avow, with utter disregard of the claims of their captive soldiers on their consideration and protection, that, as the terms of service of many had expired, they were not to be regarded as subjects of equal exchange. It likewise appears that, as they gloat over the idea of being able, by their blockade and devastation, to starve to submission a people whom they cannot subdue by arms, they calculate, in utter indifference to the sufferings that may be entailed on their own captive soldiers, on the supplies which must be furnished them as an effective drain on our limited resources. Could we, indeed, be so straitened as they delude themselves into believing, how fearful must they expect to be the privations and sufferings of their soldiers in our hands, since they could not expect us to starve our gallant soldiers or people to nourish the malignant invaders who had sought to inflict on us the worst ills of war and famine. These captives would of course be the first unhappy victims of the famine which the barbarous warfare of their Government may cause. While no such suffering has yet been entailed on them, but, on the contrary, they have, through the humanity of our Government, been provided as our own soldiers, yet such privations as they have had to share with them have been exaggerated by the enemy, in part from their delusive conceptions of our straitened condition, but more from the diligent invention of false

tales, and have been made the pretext of wanton privations to our faithful soldiers in their hands. They compel sufferings to their own soldiers by their malignant outrages against civilized warfare, and then find in such excuse for visiting cruelty and starvation on our soldiers, to whom it is not pretended they could not easily afford all the comforts and subsistence due to captives in war. The ineffable baseness of such a course exceeds even its inhumanity, and for either it would be difficult to find a parallel in the history of civilized, much less Christian, nations.

It is gratifying to be able to state that since the foregoing was written a prospect has been afforded of ameliorating the condition of our captive soldiers. When all overtures to the Government of our enemies seemed vain, General Lee was instructed to make directly to General Grant a proposition that, without releasing either Government from the obligation of affording due provision to its captives, each should have the right of furnishing to its own prisoners in the possession of the other, under the direction of officers among them to be paroled for the purpose, such additional supplies of necessary articles as it might deem expedient to send. This was accepted, doubtless through the influence of the commanding general of the Federal armies, who, however profuse of the lives of his men in battle, could but have sympathy and interest for the imprisoned soldier. It is indicative of the remorseless policy of the hostile Government that such concessions to the claims of humanity should have been made sooner by the stern soldier in the field than by their statesmen in the Cabinet. As the liberty is afforded by the agreement, with commendable liberality, that supplies may be purchased in Northern cities, or sent to our soldiers in captivity directly from foreign ports, there can be but little delay or difficulty in affording to them all reasonable supplies for the alleviation of their unhappy state. This arrangement will be as gratifying to our Government and people as it is conformable to humanity and wise policy.

The report of our agent of exchange is submitted in connection with this subject. It will display the past course and present state of negotiations for exchange.*

The operations of the several administrative bureaus of the Department have been conducted with zeal, ability, and success, reflecting great credit on their several heads. They have had grievous difficulties and embarrassments to encounter from a depreciating currency, deficiencies of labor and materials, and straitened means of transportation and distribution. In addition, they have been constrained, by the stringent legislation of Congress, to relinquish their most active and experienced agents and employés and substitute them from the more infirm and aged classes. It was not practicable to do this immediately without a ruinous arrest of all the essential operations of production and supply for the Army; but the obligation has been steadily observed, and as the exigencies of the campaign made recruitment of our armies necessary, its execution has been hastened and enforced to the furthest point compatible with the preservation and continuance of indispensable works. Interferences of this kind are inevitably so prejudicial and disturbing that it is hoped a well-devised and permanent system of providing and retaining in continuous employment a sufficient number of artisans, experts, and laborers for all essential operations may be devised and established. Great misapprehension, it is believed, has prevailed in the public mind, both as

* See Series II, Vol. VII, p. 1078.

to the number and class of persons who have constituted the agents and employés of the several bureaus, and much unmerited odium and invidiousness has been excited by the erroneous supposition that these bureaus have afforded a refuge and a shield from the legitimate claims of military service. The aim has been steadily enjoined, and, it is not doubted, in the main has been strictly observed, of engaging and retaining as few as possible of military age, and with rare exceptions it is confidently believed the men now employed are rendering more efficient service to the cause than they could do even in the field. It should be thoroughly understood that only in the last necessity will they again be summoned or disturbed. The best vindication to these bureaus is afforded by the results attained under all the impediments and embarrassments they have had to encounter. All essential supplies have been afforded, and neither manufacture nor production has so far materially diminished, notwithstanding the invasions and barbarous ravages of the enemy in many most important fields of operation. The Army has been subsisted, clothed, and provided in adequate measure, and there has never been deficiency of transportation, munitions, or supplies for all important operations.

Owing to the absence of the Commissioner of Indian Affairs on a visit in discharge of his duties to the Trans-Mississippi Department, his usual report cannot be submitted. Letters received from him by the Department give in the main satisfactory representations of the feelings and condition of the Indian nations. From other sources, too, intelligence has been received of gallant services which have been rendered by their warriors during the present campaign, and there is every reason to believe that at no time has prevailed among the nations a stronger feeling of amity and connection with the Confederate States.

Attention is invited to the accompanying estimates for the six months commencing January 1 and ending June 30, 1865, which, although large in the existing state of the currency, are not believed to exceed the demands of the service.

After the full exposition made in my last report of the embarrassments and obstructions experienced from the disordered condition of our currency, the impracticability of purchases without impressment, and the deficient means of transportation and distribution, it is not deemed necessary to repeat them. Attention, however, is specially invoked to them, as they continue with increased and increasing stringency, and remedial legislation in some important particulars is very desirable. The impressment acts require revision and amendment. There are not sufficient provisions against the removal of property after notice of impressment, nor against its concealment before or after, nor is the course prescribed in case of the refusal of the owner to appoint appraisers as contemplated by law. The law is, in brief, without adequate sanctions to insure respect and enforcement. Special provisions should be made for the impressment of iron from railroads. In order to maintain the more important roads, and sometimes to construct others demanded by imperious military considerations, it is absolutely necessary to withdraw from local or branch roads their rails and equipments. Although such necessity may be manifest and acknowledged by all, it is rare the proprietors of the special road whose property is thus sought to be appropriated are prepared to acquiesce in its selection for the sacrifice. Each local corporation finds abundant reasons for further delay or special exemption in its own case, and on them base justification of refusal to sell and the interposition of all possible legal obstructions to

seizure by impressment. The machinery of the act is ill adapted to the settlement of the questions that arise on such impressment, and pretexts are readily found by the corporation for obtaining injunctions and suspending all action on the proverbially tedious proceedings of a suit in chancery. Local influences combine, too, to thwart and delay action, and more than once the gravest consequences to the Confederacy have been risked by inability, at the juncture, to overcome such impediments and command the required rails. The impressment of slaves, too, should be regulated so as to secure uniformity in collection and to relieve the authorities from dependence on the State agencies. These agencies do not generally operate with promptitude and efficiency, and sometimes prove frustrative or abortive.

Appointments have been made under the act of Congress approved June 14, 1864, "providing for the establishment and payment of claims for a certain description of property taken or informally impressed for the use of the Army." In many instances the agents selected have refused to accept, and it has been impracticable to secure others competent, in consequence of the wholly inadequate compensation offered, which will pay a fraction only of the expenses to be actually incurred. It is not probable the law can be executed by the period prescribed, the 1st of January next, and it should be continued with a more equitable remuneration to the agents.

During the last year a few persons have gone to the United States without permission from the Confederate authorities. Some of these have no design hostile to the Confederacy, but others leave as informers and as enemies. In some cases the act is treasonable, in others more venial. A law is necessary to punish the cases which do not amount to treason under existing laws.

An appropriation was made in February last for the payment for loss of slaves who have been impressed by the Confederate authorities or under State laws for the use of the Confederate Government, and while engaged in laboring on the public defenses have escaped to the enemy, or died, or contracted diseases which have after their discharge resulted fatally. The act of Congress did not provide for the mode of ascertaining these losses and for the withdrawal of the money from the Treasury. Besides the slaves impressed, there is a class of slaves who were received by contract and others under the act of Congress of the 17th February last, by the consent of the owner, upon the condition that the Confederate Government should indemnify for loss in cases similar to those mentioned in the appropriation bill above quoted. I recommend that an act be passed for the adjustment of all these claims, and that the mode of adjustment be prescribed.

In view of the more numerous uses to which negroes are being put, in connection with our armies, as well as of the proposition already considered of employing them as troops, it seems not inappropriate to examine the legislation and policy of our enemies in reference to the recruitment of their armies from the same race, and especially from our negro slaves. In July, 1862, the Congress of the United States passed their act "to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes." The traitors under this act are all those concerned in the war between the United States and the Confederate States. The persons attainted, and whose property was confiscated, are those who held any office of honor, or trust, or agency under the Confederate Government, or any of the States, or in any municipality, or who may

be in anywise engaged or concerned in the armed rebellion to the authority of the United States. The liberation of their slaves was to be a consequence of their conviction, and the slaves of all such persons who might escape or desert, or might be captured, or who might fall within the places occupied by the arms of the United States, were, by the act of Congress, liberated. The President was authorized "to employ as many persons of African descent as he might deem necessary and proper for the suppression of the rebellion, and to organize and use them as he judged best for the public welfare." This act of Congress was followed by the proclamations of the President of the United States of the 22d September, 1862, and of the 1st of January, 1863, in the last of which he ordered and declared that "all persons held as slaves in designated States and parts of States are, and henceforward should be, free," and "that the Executive Government of the United States, including the military and naval authorities, will recognize and maintain their freedom." The enlistment of a large number of slaves within the Confederate States into the military service of the United States followed upon these acts. It was justly regarded by the Confederate Government as a departure from the usages of nations and an abandonment of the rules of civilized warfare. In the better times of the United States their Executive Government had stigmatized conduct similar, but far more venial, "as a warfare disclaiming all moral influence, and inflicting an outrage upon social order, and giving a shock to the very elements of humanity." "All belligerent nations," it declared, "can form alliances with the savage, the African, and the bloodhound; but what civilized nation has selected these auxiliaries in its hostilities?"

If there were any legal proposition that had the unanimous consent of that people it was that the Federal Government had no power to abolish slavery in any of the States. The proclamation of their President does not proceed from any authority derived from the Constitution, but upon the assumed power to extend martial law over the territory of the United States and the Confederate States. And the usurpation even extends beyond this, for martial law has reference to military operations and military relations. Its authority is temporary and abnormal, and deals with the events of a season; but this is an imperial edict, determining arbitrarily upon civil, social, and domestic institutions and relations for all time. For a term subsequent to the independence of the United States negro slavery was recognized among all the United States as a valid relation, and its commercial population participated in the profits of the African slave trade, under the laws of the Union, within the present century. The ratio upon which representation in one branch of their Congress and direct taxes are apportioned is adjusted upon a recognition of the existence of a race of bondsmen within the limits of the Union. Their highest judicial tribunal has determined that slavery and the slave trade are not contrary to the law of nations, and that the voluntary removal of slaves by a master to a State where slavery does not exist does not prevent the renewal of the relation between master and slave upon their return to the State of their origin or domicile. The diplomatic correspondence and the solemn treaties of the United States show reclamations for escaping slaves, abducted in time of war and peace, and the recognition of those claims by a foreign power, and the payment of indemnity for the use of the masters to the Federal Government. At this time the Constitution of the United States

contains a stipulation for the return of slaves escaping to one State from their owner in another State upon his claim. The principle that a slave withdrawn from his master in war or peace, by desertion, capture, or other act not sanctioned by the law of the State, or the will of the master, does not change his condition within the State to which he belongs, or prevent the right of the master from attaching upon his recapture, is not an exceptional or limited one. The municipal laws of one State have no more authority nor recognition within the limits of another than it is compatible with the laws or policy of that State to allow. And it would be contrary to the universal usage and practice of nations for one nation to permit another, and that other an enemy, to abrogate, impair, or modify relations between classes or individuals of her population, in time of war, by any change in their resistance, forced or voluntary. The principle of the *jus post liminium* in regard to persons such as slaves, serfs, villains, deserters, or other persons to whom it is in any wise applicable has been uniformly applied on the continent of Europe, and as to slaves was the law of Athens and of Rome, and from their jurisprudence has passed into the laws of European nations.

The enlistment of slaves as a part of the Army of the United States had but a single object. The act of Congress and proclamations which authorized it were formed to destroy political government and civil society in the Confederate States. By declaring all officers and agents of Confederate, State, and municipal governments to be outlaws, incapable of holding or transferring property, and subject to ignominious banishment, and declaring slaves to be emancipated and suitable for service in their armies, they sought an entire overthrow of their social order, and determined this should be a war of massacres and confusions, and not the highest trial of right between the peoples. It had become a principle among Christian sovereigns that, however they might prosecute their quarrels and debates by arms and acts of hostility, and though they might seek the ruin and overthrow of the forces of the State, yet they would so direct their passions as to preserve the life and good name of each other. But from the beginning our enemy has prosecuted the war with murderous design to take the life and to destroy the fame of the peoples of the Confederate States. The crimes which determined the colonies to separate from Great Britain and to denounce her King as a tyrant unworthy to rule a free people are those which have been committed against us, under circumstances of tenfold atrocity in the existing war by our enemy. "He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large armies of foreign mercenaries to complete the work of death and desolation and tyranny already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages. He has excited domestic insurrection among us." Private property is wantonly destroyed; female honor outraged; whole districts of unarmed and unresisting population are ravaged and laid waste; old men, helpless women, weak and feeble children, the infirm and superannuated slave population have been exposed to starvation and misery by the systematic, cruel, and persevering effort to destroy the food and raiment of an entire people. A war conducted on such principles, with such objects and by such alliances, involved, necessarily, the abandonment of all laws, usages, conventions, mitigating influences, or humanizing considerations and restraints. The enemy who adopts such a system proclaims in advance his desire, as well as his design, that the war shall become one for extermination [illegible]

a contest with such an enemy the Confederacy may exercise a very liberal discretion in the employment of any agencies or instrumentalities that are within their reach for the public defense. Should, therefore, either policy or necessity dictate it the enlistment of slaves or any other population as auxiliaries would be entirely justified by the atrocities that we have suffered. It would be impossible to find any ally so unrestrained as the enemy against whom he would be employed.

Respectfully submitted.

JAMES A. SEDDON,
Secretary of War.

ESTIMATES.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, October 8, 1864.

I estimate that there will be required for the incidental and contingent expenses of the Army during the six months commencing January 1, 1865, and ending June 30, 1865, the sum of $250,000.

JAMES A. SEDDON,
Secretary of War.

Estimate for the War Department and its bureaus for the half year ending June 30, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

There are at present employed 260 clerks, but in consequence of the rapid increase of the business of the Government I would suggest that an appropriation be asked for the payment of at least 300. These, with the Secretary of War, Assistant Secretary, chief of bureau, disbursing clerk, and five messengers, will require, at the present rates paid, under the head of "Compensation of Secretary of War, Assistant Secretary, chief of bureau, clerks, messengers," &c., $615,750.

Under the present high charges I must suggest that the contingent fund be increased, viz, for incidental and contingent expenses of the War Department, $175,000.

Respectfully submitted.

ALFRED CHAPMAN,
Disbursing Clerk, War Department.

Approved.

JAMES A. SEDDON,
Secretary of War.

Estimate for funds.

Time estimated for.	For what purpose.	Amount.
Six months commencing the 1st day of January and ending 30th day of June, 1865. For the fiscal year For the use of the Adjutant and Inspector General's Department, C. S. Army.	Stationery of all kinds	$15,000
	Postage	7,000
	Telegraphing	8,000
	Carpenter's work	6,500
	Furniture	3,500
	Watchmen's salary	2,000
	Hire of porters	5,000
	Incidental and miscellaneous expenses	5,000
Total		52,000

I certify on honor that the above estimate is correct and just, and that the funds are required to meet the contingent expenses of this office for the fiscal year ending June 30, 1865.

S. COOPER,
Adjutant and Inspector General.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
September 29, 1864.

Approved.

JAMES A. SEDDON,
Secretary of War.

A.

Estimate of the amount required by the Quartermaster's Department for disbursement for the public service of that department for six months, commencing January 1 and ending June 30, 1865.

REGULAR SUPPLIES.

First. For the regular supplies of the Quartermaster's Department, consisting of fuel for the officers, enlisted men, guard, hospital store-houses, and officers; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the authorized number of officers' horses, horses for the several corps of artillery, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing of division and department orders and reports:

Forage	$44,649,720.00
Fuel	7,272,115.00
Straw	2,742,292.00
Stationery	1,725,900.00
	$56,390,027.00

INCIDENTAL EXPENSES.

For the incidental expenses of the Quartermaster's Department, consisting of postage on letters and packages received and sent by officers of the Army on public service; expenses of courts-martial and courts of inquiry, including the additional compensation of judge-advocates, recorders, members, and witnesses, while on that service, under the act March 16, 1862; extra pay to soldiers employed under the direction of the Quartermaster's Department in the erection of barracks, quarters, store-houses, and hospitals; in the construction of roads and other constant labor for periods of not less than ten days, under the acts of August 4, 1854, and May 1, 1863, including those employed at division and department headquarters; expenses of expresses to and from the frontier posts and stations and armies in the field, of escorts to paymasters and other disbursing officers, and to trains where military escorts cannot be furnished; expenses of the interment of officers killed in battle or who may die when on duty in the field, or at the posts on the frontiers, or at other posts and places when ordered by the Secretary of War, and of non-commissioned officers and soldiers; authorized office furniture, hire of laborers in the Quartermaster's Department, including the hire of interpreters and guides for the Army; compensation to clerks of officers of the Quartermaster's Department; compensation of wagon and forage masters; for the apprehension of deserters and expenses incident to their pursuit; the purchase of traveling forges, blacksmiths' and shoeing tools, horse and mule shoes, and nails, iron and steel for shoeing, hire of veterinary surgeons, medicines for horses and mules, picket ropes, and for shoeing the horses of the corps named 8,213,160.00

TRANSPORTATION OF OFFICERS' BAGGAGE.

For mileage or the allowance made to officers of the Army for the transportation of themselves and their baggage when traveling on duty without troops, escorts, or supplies	$500,000.00

TRANSPORTATION OF TROOPS AND SUPPLIES.

For transportation of the Army, including the baggage of the troops, when moving either by land or water; of clothing and camp and garrison equipage from the several depots to the troops in the field; of horse equipments and subsistence from the places of purchase and from the places of delivery under contracts to such places as the circumstances of the service may require them to be sent; of ordnance stores and small-arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of horses, mules, and oxen, and the purchase and repair of wagons, carts, and drays, and of ships and other sea-going vessels, and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts, hire of teamsters, transportation of funds for the Pay and other disbursing departments, the expense of sailing public transports on the various rivers, and for procuring water at such posts as, from their situation, require it to be brought from a distance, and for clearing roads, harbors, and rivers to the extent which may be required for the actual operations of the troops	62,067,483.33

BARRACKS AND QUARTERS.

For hire or commutation of quarters for officers on military duty; hire of quarters for the troops, of store-houses for the safe-keeping of military goods, of grounds for summer cantonments and for temporary frontier stations; rents and repairs of wharves for hutting troops, and for repairing, altering, and enlarging buildings at the established posts, and for the purchase of materials therefor	8,768,000.00

CLOTHING AND CAMP AND GARRISON EQUIPAGE.

For the purchase of the necessary materials for clothing and camp and garrison equipage, and for pay for labor, &c., necessary to the fabrication of the same	42,622,974.00

PROPERTY IMPRESSED.

To pay for property impressed into the service of the Confederate States under appraisement, and said property having either been lost or applied to the public service	1,000,000.00

HORSES KILLED.

To pay for horses of volunteers killed in battle, under act No. 48, section 7, and for which provision is to be made	2,000,000.00

PRISONERS OF WAR.

Hire of prisons for the safe-keeping of prisoners of war, offices, &c., act of May 21, 1861	500,000.00

TAX IN KIND.

For the hire of clerks, agents, teamsters, laborers and employés, rent of offices and store-houses, purchase of material, labor for building store-houses, incidental expenses required in collecting and receiving the tax in kind	4,125,300.00
Total	186,186,944.33

FORM OF APPROPRIATION.

For service of the Quartermaster's Department $186,186,944.33

A. R. LAWTON,
Quartermaster-General.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, October 8, 1864.

Approved.

J. A. SEDDON,
Secretary of War.

B.

Estimate of the amount required to pay the Army of the Confederate States for six months, from the 1st of January to the 30th of June, 1865.

ONE CORPS OF ARTILLERY.

1 colonel, $210 per month	$210	
2 lieutenant-colonels, $185 per month	370	
12 majors, $162 per month	1,944	
40 captains, $140 per month	5,600	
80 first lieutenants, $100 per month	8,000	
40 second lieutenants, $90 per month	3,600	
4 assistant quartermasters, $140 per month	560	
4 assistant commissaries, $140 per month	560	
4 surgeons, $162 per month	648	
8 assistant surgeons, $110 per month	880	
40 first sergeants, $27 per month	1,080	
160 sergeants, $24 per month	3,840	
160 corporals, $20 per month	3,200	
80 buglers, $20 per month	1,600	
40 farriers, $20 per month	800	
40 blacksmiths, $20 per month	800	
3,440 privates, $19 per month	65,360	
4 quartermaster-sergeants, $28 per month	112	
4 sergeant-majors, $28 per month	112	
4 chief buglers, $28 per month	112	
4 adjutants, $110 per month	440	
Pay for one month	99,828	
One corps for six months	598,968	
Six corps for six months		$3,593,808

ONE REGIMENT OF CAVALRY.

1 colonel, $210 per month	$210
1 lieutenant-colonel, $185 per month	185
1 major, $162 per month	162
10 captains, $140 per month	1,400
10 first lieutenants, $100 per month	1,000
20 second lieutenants, $90 per month	1,800
1 surgeon, $162 per month	162
2 assistant surgeons, $110 per month	220
10 first sergeants, $27 per month	270
40 sergeants, $24 per month	960
40 corporals, $20 per month	800
20 buglers, $20 per month	400
10 farriers, $20 per month	200
10 blacksmiths, $20 per month	200
600 privates, $19 per month	11,400

1 quartermaster-sergeant, $28 per month	$28	
1 sergeant-major, $28 per month	28	
1 chief bugler, $28 per month	28	
1 adjutant, $110 per month	110	
1 assistant quartermaster, $140 per month	140	
1 assistant commissary, $140 per month	140	
40 cents per day for use and risk of horse one month	8,796	
Pay for one regiment one month	28,639	
Pay for one regiment six months	171,834	
Pay for 104 regiments six months		$17,870,736

ONE REGIMENT OF INFANTRY.

1 colonel, $195 per month	$195	
1 lieutenant-colonel, $170 per month	170	
1 major, $150 per month	150	
10 captains, $130 per month	1,300	
10 first lieutenants, $90 per month	900	
20 second lieutenants, $80 per month	1,600	
1 surgeon, $162 per month	162	
2 assistant surgeons, $110 per month	220	
1 assistant quartermaster, $140 per month	140	
1 assistant commissary, $140 per month	140	
1 adjutant, $100 per month	100	
1 sergeant-major, $28 per month	28	
1 quartermaster-sergeant, $28 per month	28	
1 principal musician, $28 per month	28	
10 first sergeants, $24 per month	240	
40 sergeants, $24 per month	960	
40 corporals, $20 per month	800	
20 musicians, $19 per month	380	
600 privates, $18 per month	10,800	
1 ensign, $90 per month	90	
Pay for one month	18,461	
Pay for six months	110,766	
Pay for six months, 547 regiments		60,589,002

FIELD AND STAFF.

200 generals, $500 per month	$100,000	
400 aides-de-camp, $135 per month	54,000	
163 brigade quartermasters, $162 per month	26,406	
159 brigade commissaries, $162 per month	25,758	
500 chaplains, $80 per month	40,000	
73 cadets, $90 per month	6,570	
Pay for one month	252,734	
Pay for six months		1,516,404

SIGNAL CORPS.

1 major, $150 per month	$150	
10 captains, $130 per month	1,300	
10 first lieutenants, $90 per month	900	
10 second lieutenants, $80 per month	800	
30 sergeants, $24 per month	720	
Pay for one month	3,870	
Pay for six months		23,220

RESERVES.

Same as one regiment of infantry:		
Pay for one month	$18,461	
Pay for six months	110,766	
Pay for six months, 35 regiments		$3,876,810

PAY OF OFFICERS IN RICHMOND.

Pay of officers on duty in the office of the Adjutant and Inspector General's Department, Quartermaster-General's, Medical, Engineer, Ordnance, and Subsistence Departments in Richmond	210,000

TAX IN KIND.

Pay of officers, &c., in receiving and collecting the tax in kind	1,226,418
Total	88,906,398

FORM OF APPROPRIATION.

Pay of officers and privates of the Army, volunteers, militia, &c	88,906,398

A. R. LAWTON,
Quartermaster-General.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, Va., October 10, 1864.

—

Estimate of funds required for the purchase of subsistence stores and commissary property for six months ending June 30, 1865.

For rations for 400,000 men for 181 days, at $2.02375 per ration		$146,519,500
For six rations tobacco each for 400,000 men, at $2		4,800,000
		151,319,500
There will be furnished from the tax in kind, subsistence worth, say		31,319,500
		120,000,000
Balance estimated to credit of the appropriation on January 1, 1865		70,000,000
		50,000,000

Amount actually required to be appropriated by Congress, $50,000,000.

The balance ($70,000,000) is caused by the fact that this Bureau has been unable to obtain for the Army the full ration estimated for

Respectfully submitted.

L. B. NORTHROP,
Commissary-General of Subsistence.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, Va., October 4, 1864.

Approved.

JAMES A. SEDDON,
Secretary of War.

Estimated cost of 100 rations.

Rations.	Articles.	Quantity.	Price.	Amount.
60	Meal	75 pounds	$5 per bushel	$7.50
40	Flour	45 pounds	50 cents per pound	22.50
100	Salt	2 quarts	$5 per bushel	.31¼
50	Beans	4 quarts	$6 per bushel	.75
50	Rice	5 pounds	30 cents per pound	1.50
100	Coffee	6 pounds	$5 per pound	30.00
100	Sugar	12 pounds	$3 per pound	36.00
100	Vinegar	4 quarts	$2.50 per gallon	2.50
100	Candles	1½ pounds	$3 per pound	4.50
100	Soap	4 pounds	$1 per pound	4.00
60	Bacon	20 pounds	$3 per pound	60.00
25	Beef	25 pounds	75 cents per pound	18.75
15	Sorghum	45 gills	$10 per gallon	14.06¼
	Total			202.37½

Estimate for funds required for the Medical Department, C. S. Army, for the period of six months, commencing January 1, 1865, and ending June 30, 1865.

For purchase of medical and hospital supplies:		
Medicines	$8,000,000	
Instruments	200,000	
Books for hospital and regimental records	100,000	
Hospital stores	2,000,000	
Bedding	2,000,000	
Furniture, dressings, &c	2,000,000	
		$14,300,000
For purchase of hospital clothing required by act of Congress approved September 27, 1862, entitled "An act to better provide for the sick and wounded in the Army in hospitals"		500,000
For purchase of 312,000 gallons alcoholic stimulants required for Medical Department, for medical and hospital purposes, for an army of 500,000 men		4,000,000
For establishment and support of military hospitals		100,000
For pay of private physicians employed by contract		250,000
For pay of nurses and cooks not enlisted or volunteer		350,000
For pay of hospital stewards		100,000
For pay of matrons, assistant matrons, and ward matrons		350,000
For pay of ward-masters		200,000
For pay of hospital laundresses		150,000
Total		20,300,000

S. P. MOORE,
Surgeon-General C. S. Army.

CONFEDERATE STATES OF AMERICA, SURGEON-GENERAL'S OFFICE,
Richmond, Va.

Approved.

J. A. SEDDON,
Secretary of War.

Estimate of funds required by the Ordnance Department, C. S. Army, from January 1, 1865, to June 30, 1865.

For ordnance service in all its branches, $30,000,000, namely:	
For service at arsenals, armories, and depots	$15,000,000
For purchase of ordnance and ordnance stores abroad	5,000,000
For purchase of ordnance and ordnance stores in the Confederacy	5,000,000
For service of the Trans-Mississippi Department	5,000,000
	30,000,000

J. GORGAS,
Colonel and Chief of Ordnance.

Approved.

JAMES A. SEDDON,
Secretary of War.

RICHMOND, *October 10, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to request that application may be made to Congress for an appropriation of $15,000,000, to be expended "for the purpose of making purchases of cotton, naval stores, and other produce, under the direction of the President, to meet the engagements of the Government, and to purchase necessary army, navy, and other supplies."

Very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel, in Charge of Cotton and Foreign Supplies.

Approved.

JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., October 27, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I respectfully request that the following may be inserted after the word "laws," in the estimate for loss of slaves, submitted by this office, "or voluntarily sent to the Confederate authorities, and accepted by them, without other special contract," which estimate will then read as follows:

Estimate for loss of slaves wl ich have been impressed by Confederate authorities, or under State laws, or voluntarily sent to the Confederate authorities, and accepted by them, without other special contract, for the use of the Confederate Government, and while engaged in laboring on the public defenses or other public works have escaped to the enemy, or died, or contracted diseases which have, after their discharge, resulted fatally $1,500,000

Very respectfully, your obedient servant,

J. F. GILMER,
Major-General and Chief of Bureau.

Approved.

JAMES A. SEDDON,
Secretary of War.

ENGINEER BUREAU, *September 30, 1864.*

Estimate for engineer service in all its branches, including the collection and distribution of railroad iron, for the six months commencing January 1 and ending June 30, 1865..... ..... $10,000,000

J. F. GILMER,
Major-General and Chief Engineer Bureau.

Approved.

JAMES A. SEDDON,
Secretary of War.

ENGINEER BUREAU, *September 30, 1864.*

Estimate for loss of slaves which have been impressed by Confederate authorities or under State laws for the use of the Confederate Government, and while engaged in laboring on the public defenses have escaped to the enemy, or died, or contracted diseases which have, after their discharge, resulted fatally $1,500,000

J. F. GILMER,
Major-General and Chief Engineer Bureau.

Approved.

JAMES A. SEDDON,
Secretary of War.

—

Estimate of funds required for niter and mining service for six months, commencing January 1 and ending June 30, 1865.

Niter	$2,500,000
Iron, cast and rolled	6,500,000
Lead	1,700,000
Copper	1,300,000
Other metals	500,000
Total required	12,500,000

Respectfully submitted.

I. M. ST. JOHN,
Colonel and Chief Bureau.

Approved.

JAMES A. SEDDON,
Secretary of War.

—

Approximate estimate of the expenses of conscription and of the arrest and return of deserters and absentees and all the services assigned to the Bureau of Conscription, including pay of officers, supporting forces, mileage, postage, stationery, telegrams, office rents, fuel, and extraordinary and contingent expenses, in the States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, Kentucky, Florida, and East Louisiana for six months, commencing January 1, 1865, and ending June 30, 1865.

Virginia	$257,828
North Carolina	325,365
South Carolina	197,828
Georgia	408,440
Alabama	408,440
Mississippi	408,440
Tennessee	100,000
Kentucky	100,000
Florida	100,000
East Louisiana	75,000
Bureau of Conscription at Richmond, Va	44,772
Grand total	2,426,114

JOHN S. PRESTON,
Brigadier-General and Superintendent.

Approved.

JAMES A. SEDDON,
Secretary of War.

BUREAU OF CONSCRIPTION,
Richmond, November 3, 1864.

Hon. J. A. CAMPBELL,
Assistant Secretary of War:

SIR: At your suggestion I have collected all the matter concerning General Orders, No. 73, and have endeavored to organize the views of the President in the form of a general order. The effort to pare and patch No. 73 into administrative shape will only serve to confuse and retard the public service and carry us farther away from the Executive idea. The simplest form I can give the expression of that idea is, that the reserve forces are to be used to aid and enforce but not to direct or control conscription. To aid and enforce efficiently requires the right of supervision of inspection and report thereon. For efficient supervision and inspection, officers under the immediate orders of the chief of reserves are necessary. To avoid giving the direction and control of conscription to the chief of reserves and retain them in the Bureau of Conscription, it is necessary that the matter to be investigated, the mode of investigation, and the decision of the cases should be exclusively with the Bureau. The matter is indicated by law, the mode is the conscript organization heretofore instituted, and the instructions for its operations and the decision is to be made by the chief of that organization under the Secretary of War. Now, for this investigation and furnishing the means for decision, it is necessary that the agencies should be officers immediately and exclusively under the orders of the chief as representing the Secretary. I have endeavored to cover all this and give administrative expression to it in the form of a general order. I believe that form covers the President's purpose, and if adopted I am confident it can be executed promptly and with the best results to the public service.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Inclosure.]

SKETCH OF GENERAL ORDERS, No. —.

CONFEDERATE STATES OF AMERICA,
BUREAU OF CONSCRIPTION,
Richmond, Va., ———, 1864.

I. Paragraphs I, II, III, and IV, of General Orders, No. 73, Adjutant and Inspector General's Office, current series, are hereby revoked.

II. Generals commanding reserves will hereafter supervise the conduct and proceedings of officers employed in the enrolling service in their respective States, and report the same through the Bureau of Conscription to the Secretary of War.

III. The office of Congressional district enrolling officer is abolished, and generals commanding reserves will assign to duty in each Congressional district an officer of the reserve force as inspector of conscription. Communications from local or county enrolling officers will be transmitted direct to the commandant of conscripts and by him to the Bureau of Conscription if the action of the Bureau is deemed necessary under regulations for decision of the matter.

IV. Generals commanding reserves will maintain a system of rigid inspection in the matter of conscription and report through the Bureau of Conscription to the Secretary of War.

V. Generals commanding reserves are especially charged with the arrest and return of all deserters and absentees from the Army, and

in that service will employ their own forces and the enrolling officers of the respective States.

VI. So soon as practicable all officers and men now employed in the enrolling service, whether as enrolling officers, conscript guards, clerks, or otherwise, except such as are retired or assigned to light duty by the medical boards, will be relieved by details from the reserve forces and sent to the field. Generals of reserves will make such details upon the application of commandants of conscripts.

VII. All applications for the exemption or detail of men not actually assigned to active service, embraced in the act of February 14, 1864, "to organize forces for the war," or applications concerning any matter relating to conscription which by General Orders, No. 20, current series, have been charged upon the Bureau of Conscription, will be transmitted by commandants of conscripts to the Bureau of Conscription for final decision under instructions from the Secretary of War. Generals commanding reserves have no authority to act upon questions of exemptions under the law, or of the detail of unassigned persons between the ages of eighteen and forty-five, or of the detail of persons between the ages of seventeen and eighteen, and of forty-five and fifty years, who have not been incorporated with companies of reserves as actual members thereof. Duplicates of the returns made by the commandants of conscripts to the Bureau of Conscription will also be furnished by them to the generals of reserves.

VIII. Paragraph III, of General Orders, No. 81, Adjutant and Inspector General's Office, current series, is amended so as to read as follows:

The details of such men, called out by General Orders, No. 77, current series, as are found to be unfit for the field service by the proper medical boards may be revived, and similar details may be granted to light-duty men not heretofore detailed by the Bureau of Conscription.

BUREAU OF SUBSISTENCE,
Richmond, November 4, 1864.

Col. L. B. NORTHROP,
Commissary General of Subsistence:

SIR: On the 18th of October I addressed you a report on the matter of obtaining supplies from abroad. The cause of that report was a proposition contained in a letter of Maj. S. B. French on the propriety and importance of extending, so far as your Bureau was concerned, a contract with Messrs. Power, Low & Co. for bringing supplies from the islands to the port of Wilmington, which proposition you referred to me. In that report of October 18 I stated, on the authority of papers in the office, that we had then only meat rations for 300,000 men (which was about the number we were feeding) for twenty-five days. I also stated, on the authority of a letter from Major French to you, dated September 15, that "our supply of meat must come from abroad if it be got at all," and that there was meat at the islands in the hands of Messrs. Crenshaw, contractors, and also a certain unascertained amount in the hands of Messrs. Power, Low & Co., these being the only two parties from whom any meat could be expected so far as I knew. I further showed by a letter and report of Maj.

S. V. Reid that in the moon from August 24 to September 19 only five vessels out of seventeen had brought any subsistence for our armies, of which Messrs. Power, Low & Co. owned three, the fourth being Messrs. Crenshaw's, and the fifth, as it turns out, running from Halifax with the option of fish or ballast.

For these returns and other matters of argument set forth in the report I recommended that the contract with Messrs. Power, Low & Co. be extended, they having pledged themselves to devote one-third to one-half weight capacity of certainly five, and probably seven, vessels to the service of your department, and having been guaranteed by Colonel Bayne as the best, or among the best and most reliable contractors he had, whether as respects integrity or capacity to fulfill their contract.

On the same day, along with you, I waited on the Honorable Secretary of War and submitted the report to him. He objected to it, but referred it to Colonel Bayne. The next day I called on the Secretary and he said that he could not agree to the renewal or extension of the contract; but on my remarking that Major Bayne had authorized me to make or receive other proposals he referred me to him. I then saw Colonel Bayne, who, objecting to any payment in cotton, which had been the stipulation of Power, Low & Co.'s contract, authorized me to invite proposals from those gentlemen and to make any contract I might please with them, provided it was payable in sterling and not in cotton.

Subsequently, in company with Major French, I met and conversed with Colonel Bayne, who again authorized me to make any bargain I might please, payable in sterling, stating (and justly) that we knew the needs of our department better than he could do, and any contract we might make would be under our own official responsibility. Subsequently he made the remark to you that you might go as high as 1,000 per cent. on the cost of the articles.

Thinking it my duty to exhaust every effort to procure supplies from this source, I invited proposals from Messrs. Power, Low & Co., who in reply have this day submitted a triple proposition to run five or more vessels, as follows:

First. To devote one-third to one-half their weight capacity to subsistence, the balance to private account, at the rate of 600 per cent. on cost and charges (Government paying duties), payable in London sterling bills at $4.84 per pound, or in default of that, payment then in compressed cotton at 6 pence sterling per pound, on same terms as to payment and profit as the late Davis-Fitzhugh and Power contracts.

Second. To devote one-third to one-half weight capacity to subsistence and balance to quartermaster's stores, at 350 per cent. cost and charges and on same conditions as above.

Third. To renew the contract of Power, Low & Co., devoting same space to subsistence as above, with an engagement under offer first and second to take out half cargoes of cotton for Government at 5 pence sterling per pound.

I submitted this paper to Colonel Bayne to know if any one of the propositions made would meet his sanction, as it would have been useless to negotiate them until his assent could have been obtained, and urging his immediate attention to it within the next three days, as the state of the moon would allow no longer time, and the conditions of the commissariat made it vital that this moon should be

availed of. To that paper Colonel Bayne returned the following indorsement:

NOVEMBER 3, 1864.

Respectfully returned to Colonel Northrop, Commissary-General. I do not think that either proposition should be accepted. The first is preferable for the Government. Under the regulations the Government has the right to load half of each vessel with such stores as it may desire to import, and under the instruction of the Secretary of War I will direct the loading of any proportion of commissary stores on each vessel that he may indicate. At present I have instructed Majors Walker and Heyliger to ship a good supply of meat on each vessel, and have requested the Commissary-General to supply them with funds to purchase meat. To supply our immediate and special demand for meat I would recommend that the Commissary-General fix some definitive price for all pork, beef, bacon, or coffee delivered within a specified time, paying for the same in sterling bills of $4.84.

The sterling can be provided upon his requisition to pay for all stores delivered. I consider myself instructed by the Secretaries of War and Treasury to make no more contracts payable in cotton at Wilmington or Charleston.

THOS. L. BAYNE,
Lieutenant-Colonel.

Bearing in mind that except about 300,000 pounds of meat (that is to say, about ten days' supply to Army of Northern Virginia) no more has reached port since 18th of October, I beg leave to observe—first, that it is "too late" to direct the loading of any proportion of commissary stores in each vessel that the Commissary-General may indicate, if it is to be done now for the first time, and second, that similar orders have been given both at Nassau and Bermuda without bringing in anything to the Bureau, though they were given by the Secretary of War more than a year ago and have been repeated at intervals from that time to the present.

It is true that Colonel Bayne requested you to supply Major Walker and Mr. Heyliger at Bermuda and Nassau, respectively, with funds to make purchases, and they were accordingly supplied—Major Heyliger with £17,500, who, I understand, reports that he cannot buy meat at Nassau, and Major Walker with £10,000, in return for which there has been sent three loads of dried codfish.

The recommendation that the Commissary-General fix some definite price on all pork, beef, bacon, or coffee "delivered within a specified time" cannot be adopted. What comes in must be subject to market rates, for to impress one cargo is to exclude all others of like character. But even if otherwise, to purchase imported provisions at market rates and impress domestic products by schedule would render it more difficult than now, if possible, to draw meat from its hiding places. And as with the market undisturbed by the schedule no meat has ever been brought in, it cannot be expected that it will come at less rates than a blockade-runner is willing to contract for beforehand. There is also another quite as serious objection, to be stated hereafter.

Whether this shall be the end of efforts in this direction, or rather in all directions, to get meat for our Army, especially the Army of Northern Virginia, is for you to say, and I write to ask your instructions in that respect. I cannot advise you, if I may have the right or be bound in duty to do it, to attempt it on any other basis of profit than the propositions of Messrs. Power, Low & Co., because I cannot imagine any other that can be accepted by bidders, and no other has been offered.

The expired contract of Power, Low & Co., I am bound to presume, was a fair and judicious contract at the time it was made, and the

parties are stated by Colonel Bayne to have executed it fairly and liberally to the Government. That contract was for 50 per cent. profit on cost and charges, with payment in cotton at 6 pence per pound. I think it can be shown that the profits of a successful run under it were about 650 per cent., on which basis the profits on the offer of one-half to one-third weight capacity in bacon would require a profit of about 850 per cent. This present offer, then, is 200 per cent. less than its value a year ago, though the difficulties of the blockade have increased immensely, and cotton, owing to causes not necessary to state, has not advanced in a compensatory ratio. This rate, I am confident, is less than the average of blockaders' profits on successful ventures, and not too great for the risks, according to the laws that govern such enterprises. It is not probable, then, that any contract can be made by your Bureau on better terms, nor is it reasonable to expect it; for the proposition for 650 per cent., which Colonel Bayne thinks the most unfavorable of the series, to all of which he objects for relative exorbitancy, will make a less cost than we now pay in Confederate currency. This remits you to the plan of getting subsistence from abroad, under the regulations to carry into effect the act to impose regulations upon the foreign commerce of the Confederate [Confederacy], to provide for the public defense. But to this plan there are several vital objections. Experience proves that we cannot get subsistence in that way. It has been tried and it has failed. Since the adoption of these regulations by Mr. Memminger and Mr. Seddon, in March last, and their alteration by Mr. Trenholm and Mr. Seddon, August 3, nothing has been received, though the Secretary or Colonel Bayne has given several orders to have subsistence brought in.

This Bureau has no agents of its own at any foreign port, and has been unable to do anything through the agents of any other bureau or department. Responsible for its own funds, the effect of the regulations has been to place its money beyond its control in the hands of agents, who, from whatever cause, have hitherto failed to show any results of the expenditure. Were it otherwise, the vessels would not run under the regulations—certainly not in time to feed an army of the size of General Lee's, with only eighteen days' supply of meat on hand and living from hand to mouth. Very few vessels now run under the regulations. From August 19 to September 10 only three out of seventeen ran in under the regulations; in the last moon only six in nineteen came in, and of these last none brought in subsistence. Why they have not done so I have explained in my report of October 18.

If the Army is to be kept up to its present numbers, it will require at full rations 81,000,000 pounds of meat. Of this a very large part must come from abroad, and much of it, of necessity and in common prudence, is wanted instantly. The proposition of Power, Low & Co. presents the best, and, so far as I know, the only plan of an immediate supply, whilst the regulations offer nothing in the present, or, if we can judge by the past, in the future.

It cannot have escaped you that the foothold the enemy has lately gained in North Carolina by the recapture of Plymouth will necessarily limit the area from which we now draw a very considerable proportion of our supplies; and if Plymouth be made the base of military movements or occupation, it will increase the difficulties of working in that region. Of course it will render it more important for us to get supplies from abroad. How that can be done I do not

now see, having exhausted every effort to have it done by this Bureau.

Very respectfully, your obedient servant,

FRANK G. RUFFIN,
Lieutenant-Colonel and Commissary of Subsistence.

[Indorsement.]

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
November 9, 1864.

Respectfully referred to the Secretary of War.

On the 19th ultimo I made an indorsement on a report urging the renewal of the contract of Power, Low & Co., with the object of getting a supply of meat otherwise unattainable. I feel pretty confident that, with all the agencies of the Government under its present policy and the efforts of this company superadded, a sufficiency of meat will not be obtained. This company has been most faithful in complying with its engagements.

At the suggestion of Colonel Bayne propositions have been made by it. The second is, in my judgment, highly advantageous, and in connection with my indorsement above referred to, show the importance of getting these vessels. I respectfully urge the adoption of proposition second.

L. B. NORTHROP,
Commissary-General of Subsistence.

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, November 5, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The act of Congress approved 17th of February, 1864, entitled an "Act to organize forces to serve during the war," required for its administration a system of conscription substantially, if not radically, different from that enforced under previous legislation on this subject. A careful and elaborate analysis of that act, combined with an enlightened observation of the necessities and military capabilities of the country, resulted in the issuing of General Orders, No. 26, Adjutant and Inspector General's Office, March 1, 1864, and of Circular No. 8, of this Bureau, March 18, 1864. It was believed that the proper execution of these orders would insure the just, prompt, and vigorous administration of the policy and terms of the act of Congress. The character and extent of the duties imposed on this Bureau under these orders seemed to demand an improvement in the character and number of its agencies. Under previous legislation these duties were definitely and specifically prescribed by ascertained and understood limitations and responsibilities. By this act the whole execution of the military policy of the Congress and the decision of the vast matter of the "public necessities" was confined almost exclusively to the authorities of conscription acting under your immediate instruction, and constituting for that purpose a department of your office. To your discretion the Congress confided this matter, declaring itself incompetent to determine the mode of its administration, or, at least, that you and your officers could best adjust that mode; and yet, very strangely, you were restricted in the selection of those officers to

classes notoriously unapt to furnish such as were fitted for the service. The intelligence, the activity, and the vigor of the country was carefully culled for the general service, and you were required to glean the exhausted field of its remnants and fragments for the agencies who are to decide what are the public necessities, what are the personal and civil rights of the citizens, and to execute the law applicable to these solemn functions. Wherever a vigorous and intelligent man was found engaged in their performance that same law peremptorily removed him. With this feeble material, so inappropriate to meet the grave questions I have indicated and so seemingly incompetent to overcome the opposition of constituted authorities, communities, and individuals, this Bureau set to work to collect, conscribe, and organize for military service the scattered and unwilling remnants of a war-wasted population. Its function was to create and maintain armies for the public defense and to preserve the social organisms of the country. I have examined the history of such proceedings in other countries and in other times, and do not hesitate to declare my belief that the results of the operations of conscription in the Confederate States exhibit a wisdom in devising the system and a vigor in its execution which have not been excelled and which, under the circumstances of the country, are very wonderful. In confirmation of this belief I have the honor to refer you to the tabular statements herewith submitted.*

Having then succeeded by the wise energy of the system in overcoming the weakness and inaptitude of the agencies employed and the grave impediments offered, this Bureau was suddenly checked in the successful work by the partial abandonment of that system and the proposed substitution therefor of the most noxious principle and the most dangerous agencies which can be applied to the creation and maintenance of armies for the public defense, for the determination of public necessity, or for the protection of personal right and the social economy. The first appearance of this change was manifested by an attempt to engraft upon your system a rude and undefined—merely military—inspection. In this fitful shadow I felt the coming storm and ventured to warn you of its danger. I had seen its efforts under the former acts of Congress; but foregone conclusion hastened its culmination, and I fear that conscription in the Confederate States may be destined to become nothing more than a ferocious and ignorant military outrage of public law and personal right, devastating the country and weakening the armies. The transfer to military commanders in the field and their immediate subordinates of the power to determine the public policy, and the means of enforcing their judgment in selecting the classes for military service and driving at will the individuals of those classes into the field, is fraught with such peril to the cause of the public defense and is so repulsive to a safe public sentiment that I am appalled with apprehension for the consequences. The fearful story of military conscription under Turkish rule in Egypt may be re-enacted in the Confederate States.

Five hundred thousand men have withered from Egypt in ten years under the blight and military conscription. It is not the loss of men caused by battle and disease, but when the Pasha's press gangs are out recruiting whole villages are deserted. The men fly to the deserts to escape service, and the wives and children follow to escape the vengeance of the baffled officer whose advancement depends on the length of his muster-roll; and when this man-catcher (this military officer) returns from the pursuit the villages and fields are desolate and the deserts are white with the bleached bones of women and children.

*Not found as inclosures.

Change names and you have military conscription in the Confederate States. In every instance in which the authority of conscription has been so transferred the service has suffered serious detriment; the industry of the country has been unduly disturbed, popular and constituted resistance has been aroused, and it has failed to bring men into the field, and the resumption of your former system has been forced upon you. In four States it was tried for eight months under the allied auspices of Generals Bragg and Johnston and the executive authorities of those States, with General Pillow and an army of 6,000 men as the agents. The failure in that case would have been ludicrous had it not been so expensive and so disastrous to the general service. Your unremitted efforts for ten months have scarcely remedied the evils of military conscription in Tennessee, Mississippi, Alabama, and Florida. Besides this experiment scores of commissions have been issued granting conscription authority, which after brief periods have been revoked, on the ground of failure and flagrant abuse. Notwithstanding this experience there has been proposed to be established on the reports of vague, incompetent, and mischievous military inspections and the uninformed conjectures or assertions of ignorant individuals a system of recruiting subversive of the whole policy of legal conscription. Its tendency is, and its results will be, to violate the law and all tried regulations, and to repudiate Government faith pledged under that law and those regulations, and to fail utterly in giving numbers or strength to the Army. The proposition for change has been procured mainly by the intrusion of a small and not very reputable system of police detection into the administration of a great national policy; the espionage of Vidocq to upset the schemes of Carnot with his "bureau for the public defense" and his "bureau for the public welfare;" the crimp and the press gang for the war minister and the magistrate; the public defense and the social economy to be determined by informers and administered by brute force, and infamy and incompetency imputed as the predicate attributes of bleeding martyrs to public liberty, who engage in the work of conscription because they have not saved from their unstaunched wounds blood enough for strength to perform any other service. It is by this system that the wasted and enfeebled people of the Confederacy are proposed to be dragged forth to the death grapple for their liberties. If adopted its fruit will be bitterness and failure.

While therefore I am forced to regard the transfer of conscription from the agencies heretofore charged with it into the hands of military commanders as abhorrent and futile, I have always deemed a certain amount of military force as necessary for the efficient administration of the law. I have uniformly and strenuously recommended the organization and use of such force under proper regulations. I have repeatedly asked for such force, submitting various forms for its creation and use. I specifically asked for such portion of the reserve forces as I deemed amply sufficient to be put under the orders of the conscription authorities both for conscription and extraneous duties devolved on those authorities. Under your permission I proceeded partially to organize such a force. It was declared to be too large and unnecessary, and yet in four months thereafter it was found absolutely necessary to place the entire reserve force on the duty of conscription. I asked for sixty companies; now perhaps sixty regiments are employed. The sixty companies would have done the work now charged on sixty regiments and in accordance with the law and civilized practice. Had it been allowed on the 1st of May to have one company of reserves in

each Congressional district, there would not have been one recusant conscript or one deserter in ten now absent from the armies, and those companies would have been ready for the field, a drilled nucleus for the regiments of reserves; the recruiting of the armies would have been carried to the full extent of the capabilities of the country; the evils of lax discipline would have been prevented and cured, and the social economy so adjusted as to give the highest vigor and energy to the force and maintenance of the armies. The paper marked "Circular No. 55, of 1863," will exhibit the organization deemed sufficient for the enrollment and forwarding of conscripts. For the other duties devolved on the organization, such as the arrest of deserters and absentees, the management of details, the collection of slaves, &c., a small additional supporting force was asked and granted. (See Circular No. 8, of 1864.)

After the passage of the military bill of 17th of February, 1864, the duties of this organization became far more onerous, extended, and responsible. An immense breadth of discretion was given to the Executive and of course in part deputed to this Bureau. The entire service of investigation, report, and decision of exemptions and details was devolved on it. Additional agencies were asked but not granted. Besides these duties of conscription proper, the progress of an active and protracted campaign covering the Confederacy and the organization of the reserve forces increased the extraneous duties far beyond any previous calculations. To meet these a portion of the reserves, as I have stated, was asked and granted. Subsequent action, however, put the entire reserve force under a different jurisdiction, and on a different footing, and withdrew from this Bureau every means of enforcing the service, even withdrawing from its control the agencies required for conscription proper, and placing them under a proper jurisdiction—that of the commander of the reserves. At this time the legal practice of conscription was not found to be sharp enough to meet the exigencies of the armies, the calculations of anxious commanders, and the clamor of aspiring officers seeking commands, and a new system of recruiting was sought to be established, and was supposed to be expressed in General Orders, No. 73, and its sequents. The agents employed in recruiting this policy have discovered that the moral force of general orders, sustained by all the reserve force, is not sufficient without some forms of law and Government faith, and have therefore required you to place under their control and direction the training officers of this Bureau, who have been accustomed to act under these forms, and in accordance with the faith of law and orders. (See General Holmes' letter and General Kemper's order to Colonel Shields.) It has been proposed virtually to dissolve your organization, to subject a department of your office under subordinate rule, and to degrade or expel from the service officers placed in charge by the President and yourself. I cannot recognize the attainment of one compensating result to the public defense to remunerate for these wrongs and evils. I present these views with a perfect sense of subordination, leaving their justification to the commentary of the recorded facts I have the honor to exhibit.

Appended hereto are tables exhibiting the operations of this Bureau, prepared from the reports of commandants of conscription, and of Lieutenant-Colonel Blake, chief of the registration service, and from the current records of this Bureau. These tables approximate accuracy nearer, perhaps, than any other data accessible to the Government, and it is believed will afford a fair estimate of the military

condition and resources of the Confederacy inside the army lines. Paper marked A exhibits the operations of the Bureau of Conscription to the 1st of September, 1864. The reports of the months of September and October will show an addition to the number of cases of about 15,000. The result is that, in the space of two years, the Bureau has passed on the military liabilities of about 360,000 men. For the extent of which this operation has gleaned the legal military material, see Lieutenant-Colonel Blake's consolidated report marked B. See same report for a conjectural estimate of remaining supply of men, and suggestions as to the sources whence they may be drawn. See also same report for a lucid approximate exhibition of the industrial resources of the several States, and the number of men liable to military service and others engaged in their production. Paper marked C exhibits the number of persons liable to military service employed in the various departments of Government. It is supposed that many of these may be sent to the field, and their present employments conducted with equal efficiency by other classes. Paper marked D is a consolidated tabular statement of the number and condition of all persons between the ages of seventeen and fifty who are not in the military service and the reasons therefor. This registration has been urged with vigor, but is not yet complete. It is regarded as of grave importance and special attention is invited to it. It is a matter to be regretted that this Bureau has not been furnished with returns of the exact condition of the reserve forces and of the various quasi military organizations which are scattered over the country as guards, in garrisons at posts, &c. Were it placed within the competency of this Bureau to require such returns it is believed that they might be somewhat beneficial in estimating the military condition and resources of the Confederacy. Paper marked E exhibits the number of persons abstracted from the public defense by the certificates of the Governors of the States. The remarkable difference in numbers may well attract attention. For every man thus exempted in Virginia, the State of North Carolina claims fifteen, and forty times the number claimed by South Carolina. Besides these, the States of North Carolina and Georgia claim from Confederate service all persons in any manner employed by the authority of those States. Paper marked F exhibits the operations of the Bureau between the time of my last report (1st of April) and the 1st of September. A defective supply of proper officers and other agencies and frequent disturbances of the mode of administering the law have prevented the results of conscription from being as satisfactory as might be desired, but it is believed that the information herein submitted will justify the wisdom of the law and the energy of its execution, and will afford data on which to base the military policy of the Government.

I have the honor to be, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,

Brigadier-General and Superintendent.

BUREAU OF COTTON EXCHANGE,
DEPT. OF ALABAMA, MISSISSIPPI, AND EAST LOUISIANA,
Jackson, Miss., November 6, 1864.

Lieut. Col. E. SURGET,
Assistant Adjutant-General, Selma, Ala.:

COLONEL: The distribution of blockade goods as directed in your respects of 29th ultimo shall have attention. Inclosed I hand you

certificate of Governor Clark for 100 ounces quinine received by me for the State. Please send permit in favor of Messrs. Whitfield, Humphries, and Sherman to ship 20,000 pounds of cotton through the District of Homochitto. In connection with this matter I would invite your attention to the fact that the State is paying $100 per ounce for quinine in cotton at 50 cents per pound, allowing each bale to weigh 400 pounds. The certificate of Governor Clark shows this. It is none of my business, only so far as it brings the State in competition with the Government in effecting arrangements within the enemy's lines. We only pay the cost price of that article, say $10 or $12 per ounce.

Very respectfully, your obedient servant,

R. W. SANDERS,
Major and Quartermaster.

RICHMOND, VA., *November 7, 1864.*

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

It is with satisfaction that I welcome your presence at an earlier day than that usual for your session, and with confidence that I invoke the aid of your counsels at a time of such public exigency.

The campaign which was commenced almost simultaneously with your session early in May last, and which was still in progress at your adjournment in the middle of June, has not yet reached its close. It has been prosecuted on a scale and with an energy heretofore unequaled. When we revert to the condition of our country at the inception of the operations of the present year, to the magnitude of the preparations made by the enemy, the number of his forces, the accumulation of his warlike supplies, and the prodigality with which his vast resources have been lavished in the attempt to render success assured; when we contrast the numbers and means at our disposal for resistance, and when we contemplate the results of a struggle apparently so unequal, we cannot fail, while rendering the full meed of deserved praise to our generals and soldiers, to perceive that a power higher than man has willed our deliverance, and gratefully to recognize the protection of a kind Providence in enabling us successfully to withstand the utmost efforts of the enemy for our subjugation.

At the beginning of the year the State of Texas was partially in possession of the enemy, and large portions of Louisiana and Arkansas lay apparently defenseless. Of the Federal soldiers who invaded Texas none are known to remain except as prisoners of war. In Northwestern Louisiana a large and well appointed army, aided by a powerful fleet, was repeatedly defeated and deemed itself fortunate in finally escaping with a loss of one-third of its numbers, a large part of its military trains, and many transports and gun-boats. The enemy's occupation of that State is reduced to the narrow district commanded by the guns of his fleet. Arkansas has been recovered with the exception of a few fortified posts, while our forces have penetrated into Central Missouri, affording to our oppressed brethren in that State an opportunity, of which many have availed themselves, of striking for liberation from the tyranny to which they have been subjected.

On the east of the Mississippi, in spite of some reverses, we have much cause for gratulation. The enemy hoped to effect during the

present year, by concentration of forces, the conquest which he had previously failed to accomplish by more extended operations. Compelled therefore to withdraw or seriously to weaken the strength of the armies of occupation at different points, he has afforded us the opportunity of recovering possession of extensive districts of our territory. Nearly the whole of Northern and Western Mississippi, of Northern Alabama, and of Western Tennessee are again in our possession, and all attempts to penetrate from the coast line into the interior of the Atlantic and Gulf States have been baffled. On the entire ocean and Gulf coast of the Confederacy the whole success of the enemy, with the enormous naval resources at his command, has been limited to the capture of the outer defenses of Mobile Bay.

If we now turn to the results accomplished by the two great armies, so confidently relied on by the invaders as sufficient to secure the subversion of our Government and the subjugation of our people to foreign domination, we have still greater cause for devout gratitude to Divine Power. In Southwestern Virginia successive armies, which threatened the capture of Lynchburg and Saltville, have been routed and driven out of the country, and a portion of Eastern Tennessee reconquered by our troops. In Northern Virginia extensive districts formerly occupied by the enemy are now free from their presence. In the lower Valley their general, rendered desperate by his inability to maintain a hostile occupation, has resorted to the infamous expedient of converting a fruitful land into a desert by burning its mills, granaries, and homesteads, and destroying the food, standing crops, live-stock, and agricultural implements of peaceful non-combatants. The main army, after a series of defeats in which its losses have been enormous, after attempts by raiding parties to break up our railroad communications, which have resulted in the destruction of a large part of the cavalry engaged in the work, after constant repulse of repeated assaults on our defensive lines, is, with the aid of heavy re-enforcements, but with, it is hoped, waning prospect of further progress in the design, still engaged in an effort commenced more than four months ago to capture the town of Petersburg.

The army of General Sherman, although succeeding at the end of the summer in obtaining possession of Atlanta, has been unable to secure any ultimate advantage from this success. The same general, who in February last marched a large army from Vicksburg to Meridian with no other result than being forced to march back again, was able, by the aid of greatly increased numbers and after much delay, to force a passage from Chattanooga to Atlanta, only to be for the second time compelled to withdraw on the line of his advance without obtaining control of a single mile of territory beyond the narrow track of his march, and without gaining aught beyond the precarious possession of a few fortified points in which he is compelled to maintain heavy garrisons and which are menaced with recapture.

The lessons afforded by the history of this war are fraught with instruction and encouragement. Repeatedly during the war have formidable expeditions been directed by the enemy against points ignorantly supposed to be of vital importance to the Confederacy. Some of these expeditions have, at immense cost, been successful, but in no instance have the promised fruits been reaped. Again, in the present campaign was the delusion fondly cherished that the capture of Atlanta and Richmond would, if effected, end the war by the overthrow of our Government and the submission of our people. We

can now judge by experience how unimportant is the influence of the former event upon our capacity for defense, upon the courage and spirit of the people, and the stability of the Government. We may in like manner judge that if the campaign against Richmond had resulted in success instead of failure; if the valor of the army, under the leadership of its accomplished commander, had resisted in vain the overwhelming masses which were, on the contrary, decisively repulsed; if we had been compelled to evacuate Richmond as well as Atlanta, the Confederacy would have remained as erect and defiant as ever. Nothing could have been changed in the purpose of its Government, in the indomitable valor of its troops, or in the unquenchable spirit of its people. The baffled and disappointed foe would in vain have scanned the reports of your proceedings, at some new legislative seat, for any indication that progress had been made in his gigantic task of conquering a free people. The truth so patent to us must ere long be forced upon the reluctant Northern mind. There are no vital points on the preservation of which the continued existence of the Confederacy depends. There is no military success of the enemy which can accomplish its destruction. Not the fall of Richmond, nor Wilmington, nor Charleston, nor Savannah, nor Mobile, nor of all combined, can save the enemy from the constant and exhaustive drain of blood and treasure which must continue until he shall discover that no peace is attainable unless based on the recognition of our indefeasible rights.

Before leaving this subject it is gratifying to assure you that the military supplies essentially requisite for public defense will be found, as heretofore, adequate to our needs, and that abundant crops have rewarded the labor of the farmer and rendered abortive the inhuman attempt of the enemy to produce by devastation famine among the people.

FOREIGN RELATIONS.

It is not in my power to announce any change in the conduct of foreign powers. No such action has been taken by the Christian nations of Europe as might justly have been expected from their history, from the duties imposed by international law, and from the claims of humanity. It is charitable to attribute their conduct to no worse motive than indifference to the consequences of a struggle which shakes only the republican portion of the American continent, and not to ascribe to design a course calculated to insure the prolongation of hostilities.

No instance in history is remembered by me in which a nation pretending to exercise dominion over another asserting its independence has been the first to concede the existence of such independence. No case can be recalled to my mind in which neutral powers have failed to set the example of recognizing the independence of a nation when satisfied of the inability of its enemy to subvert its Government, and this, too, in cases where the previous relation between the contending parties had been confessedly that of mother country and dependent colony; not, as in our case, that of coequal States united by Federal compact. It has ever been considered the proper function and duty of neutral powers to perform the office of judging whether in point of fact the nation asserting dominion is able to make good its pretensions by force of arms, and if not, by recognition of the resisting party, to discountenance the further continuance of the contest. And the reason why this duty is incumbent on neutral powers

is plainly apparent when we reflect that the pride and passion which blind the judgment of the parties to the conflict cause the continuance of active warfare and consequent useless slaughter long after the inevitable result has become apparent to all not engaged in the struggle. So long, therefore, as neutral nations fail, by recognition of our independence, to announce that in their judgment the United States are unable to reduce the Confederacy to submission, their conduct will be accepted by our enemies as a tacit encouragement to continue their efforts, and as an implied assurance that belief is entertained by neutral nations in the success of their designs. A direct stimulus, whether intentional or not, is thus applied to securing a continuance of the carnage and devastation which desolate this continent and which they profess deeply to deplore.

The disregard of this just, humane, and Christian public duty by the nations of Europe is the more remarkable from the fact that authentic expression has long since been given by the Governments of both France and England to the conviction that the United States are unable to conquer the Confederacy. It is now more than two years since the Government of France announced officially to the Cabinets of London and Saint Petersburg its own conclusion that the United States were unable to achieve any decisive military success. In the answers sent by these powers no intimation of a contrary opinion was conveyed; and it is notorious that in speeches, both in and out of Parliament, the members of Her Britannic Majesty's Government have not hesitated to express this conviction in unqualified terms. The denial of our rights under these circumstances is so obviously unjust and discriminates so unfairly in favor of the United States that neutrals have sought to palliate the wrong of which they are conscious by professing to consider, in opposition to notorious truth and to the known belief of both belligerents, that the recognition of our independence would be valueless without their further intervention in the struggle, an intervention of which we disclaim the desire and mistrust the advantage. We seek no favor, we wish no intervention, we know ourselves fully competent to maintain our own rights and independence against the invaders of our country, and we feel justified in asserting that without the aid derived from recruiting their armies from foreign countries the invaders would ere this have been driven from our soil. When the recognition of the Confederacy was refused by Great Britain in the fall of 1862 the refusal was excused on the ground that any action by Her Majesty's Government would have the effect of inflaming the passions of the belligerents and of preventing the return of peace. It is assumed that this opinion was sincerely entertained; but the experience of two years of unequaled carnage shows that it was erroneous, and that the result was the reverse of what the British ministry humanely desired. A contrary policy, a policy just to us, a policy diverging from an unvarying course of concession to all the demands of our enemies, is still within the power of Her Majesty's Government, and would, it is fair to presume, be productive of consequences the opposite of those which have unfortunately followed its whole course of conduct from the commencement of the war until the present time. In a word, peace is impossible without independence, and it is not to be expected that the enemy will anticipate neutrals in the recognition of that independence.

When the history of this war shall be fully disclosed, the calm judgment of the impartial publicist will for these reasons be unable to

absolve the neutral nations of Europe from a share in the moral responsibility for the myriads of human lives that have been unnecessarily sacrificed during its progress.

The renewed instances in which foreign powers have given us just cause of complaint need not here be detailed. The extracts from the correspondence of the State Department which accompany this message will afford such further information as can be given without detriment to the public interest, and we must reserve for the future such action as may then be deemed advisable to secure redress.

FINANCES.

Your especial attention is earnestly invited to the report of the Secretary of the Treasury, submitted in conformity with law. The facts therein disclosed are far from discouraging, and demonstrate that with judicious legislation we shall be enabled to meet all the exigencies of the war from our abundant resources and avoid at the same time such an accumulation of debt as would render at all doubtful our capacity to redeem it. The total receipts into the Treasury for the two quarters ending on the 30th of September, 1864, were $415,191,550, which sum, added to the balance of $308,282,722 that remained in the Treasury on the 1st of April last, forms a total of $723,474,272. Of this total not far from half—that is to say, $342,560,327—have been applied to the extinction of the public debt, while the total expenditures have been $272,378,505, leaving a balance in the Treasury on the 1st of October, 1864, of $108,435,440.

The total amount of the public debt, as exhibited on the books of the Register of the Treasury on the 1st of October, 1864, was $1,147,970,208, of which $539,340,090 were funded debt bearing interest, $283,880,150 were Treasury notes of the new issue, and the remainder consisted of the former issue of Treasury notes, which will be converted into other forms of debt and will cease to exist as currency on the 31st of next month.

The report, however, explains that in consequence of the absence of certain returns from distant officers the true amount of the debt is less by about $21,500,000 than appears on the books of the Register, and that the total public debt on the 1st of last month may be fairly considered to have been $1,126,381,095.

The increase of the public debt during the six months from the 1st of April to the 1st of October was $97,650,780, being rather more than $16,000,000 per month, and it will be apparent, on a perusal of the report, that this augmentation would have been avoided and a positive reduction of the amount would have been effected but for certain defects in the legislation on the subject of the finances, which are pointed out in the report and which seem to admit of easy remedy.

In the statements just made the foreign debt is omitted. It consists only of the unpaid balance of the loan known as the cotton loan. This balance is but £2,200,000 and is adequately provided for by about 250,000 bales of cotton owned by the Government, even if the cotton be rated as worth but 6 pence per pound.

There is one item of the public debt not included in the tables presented, to which your attention is required. The bounty bonds promised to our soldiers by the third section of the act of 17th of February, 1864, were deliverable on the 1st of October. The Secretary has been unable to issue them by reason of an omission in the law, no time being therein fixed for the payment of the bonds.

The aggregate appropriations called for by the different departments of the Government, according to the estimates submitted with the report, for the six months ending on the 30th of June, 1865, amount to $438,102,679, while the Secretary estimates that there will remain unexpended out of former appropriations, on the 1st of January, 1865, a balance of $467,416,504. It would therefore seem that former estimates have been largely in excess of actual expenditures, and that no additional appropriations are required for meeting the needs of the public service up to the 1st of July of next year. Indeed, if the estimates now presented should prove to be as much in excess of actual expenditures as has heretofore been the case, a considerable balance will still remain unexpended at the close of the first half of the ensuing year.

The chief difficulty to be apprehended in connection with our finances results from the depreciation of the Treasury notes, which seems justly to be attributed by the Secretary to two causes, redundancy in amount and want of confidence in ultimate redemption, for both of which remedies are suggested that will commend themselves to your consideration as being practical as well as efficient.

The main features of the plan presented are substantially these: First, that the faith of the Government be pledged that the notes shall ever remain exempt from taxation; second, that no issue shall be made beyond that which is already authorized by law; third, that a certain fixed portion of the annual receipts from taxation during the war shall be set apart especially for the gradual extinction of the outstanding amount until it shall have been reduced to $150,000,000, and fourth, the pledge and appropriation of such proportion of the tax in kind and for such number of years after the return of peace as shall be sufficient for the final redemption of the entire circulation.

The details of the plan, the calculations on which it is based, the efficiency of its operation, and the vast advantages which would result from its success are fully detailed in the report and cannot be fairly presented in a form sufficiently condensed for this message. I doubt not it will receive from you that earnest and candid consideration which is merited by the importance of the subject.

The recommendations of the report for the repeal of certain provisions of the tax laws which produce inequality in the burden of taxation; for exempting all Government loans from taxation on capital, and from any adverse discrimination in taxation on income derived from them; for placing the taxation on banks on the same footing as the taxation of other corporate bodies; for securing the payment into the Treasury of that portion of the bank circulation which is liable to confiscation because held by alien enemies; for the conversion of the interest-bearing Treasury notes now outstanding into coupon bonds, and for the quarterly collection of taxation; all present practical questions for legislation, which, if wisely devised, will greatly improve the public credit and alleviate the burdens now imposed by the extreme and unnecessary depreciation in the value of the currency.

The returns of the Produce Loan Bureau are submitted with the report, and the information is conveyed that the Treasury agency in the Trans-Mississippi Department has been fully organized and is now in operation with promise of efficiency and success.

The provisions heretofore made to some extent for increasing the compensation of public officers, civil and military, is found to be in some places inadequate to their support, perhaps not more so anywhere than in Richmond, and inquiry with a view to appropriate

remedy is suggested to your consideration. Your notice is also called to the condition of certain officers of the Treasury, who were omitted in the laws heretofore passed for the relief of other public officers, as mentioned in the report of the Secretary of the Treasury.

DEPARTMENT OF WAR.

The condition of the various branches of the military service is stated in the accompanying report of the Secretary of War.* Among the suggestions made for legislative action, with a view to add to the number and efficiency of the Army, all of which will receive your consideration, there are some prominent topics which merit special notice.

The exemption from military duty now accorded by law to all persons engaged in certain specified pursuits or professions is shown by experience to be unwise, nor is it believed to be defensible in theory. The defense of home, family, and country is universally recognized as the paramount political duty of every member of society, and in a form of government like ours, where each citizen enjoys an equality of rights and privileges, nothing can be more invidious than an unequal distribution of duties and obligations. No pursuit or position should relieve any one who is able to do active duty from enrollment in the Army, unless his functions or services are more useful to the defense of his country in another sphere. But it is manifest that this cannot be the case with entire classes. All telegraph operators, workmen in mines, professors, teachers, engineers, editors and employés of newspapers, journeymen printers, shoemakers, tanners, blacksmiths, millers, physicians, and the numerous other classes mentioned in the laws cannot in the nature of things be equally necessary in their several professions, nor distributed throughout the country in such proportions that only the exact numbers required are found in each locality; nor can it be everywhere impossible to replace those within the conscript age by men older and less capable of active field services. A discretion should be vested in the military authorities, so that a sufficient number of those essential to the public service might be detailed to continue the exercise of their pursuits or professions; but the exemption from service of the entire classes should be wholly abandoned. It affords great facility for abuses, offers the temptation as well as the ready means of escaping service by fraudulent devices, and is one of the principal obstructions to the efficient operation of the conscript laws.

A general militia law is needful in the interest of the public defense. The Constitution, by vesting the power in Congress, imposes on it the duty of providing "for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States." The great diversity in the legislation of the several States on this subject, and the absence of any provision establishing an exact method for calling the militia into Confederate service, are sources of embarrassment which ought no longer to be suffered to impede defensive measures.

The legislation in relation to the cavalry demands change. The policy of requiring the men to furnish their own horses has proven pernicious in many respects. It interferes with discipline, impairs efficiency, and is the cause of frequent and prolonged absence from appropriate duty. The subject is fully treated in the Secretary's

See p. 756.

report, with suggestions as to the proper measures for reforming that branch of the service.

The recommendation hitherto often made is again renewed, that some measure be adopted for the reorganization and consolidation of companies and regiments when so far reduced in numbers as seriously to impair their efficiency. It is the more necessary that this should be done, as the absence of legislation on the subject has forced generals in the field to resort to various expedients for approximating the desired end. It is surely an evil that a commanding officer should be placed in a position which forces upon him the choice of allowing the efficiency of his command to be seriously impaired or of attempting to supply by the exercise of doubtful authority the want of proper legal provision. The regard for the sensibility of officers who have heretofore served with credit, and which is believed to be the controlling motive that has hitherto obstructed legislation on this subject, however honorable and proper, may be carried to a point which seriously injures the public good; and if this be the case, it can scarcely be questioned which of the two considerations should be deemed paramount.

The Secretary's recommendations on the subject of facilitating the acquisition of the iron required for maintaining the efficiency of railroad communication on the important military lines are commended to your favor. The necessity for the operation in full vigor of such lines is too important to need comment.

The question in dispute between the two Governments relative to the exchange of prisoners of war has been frequently presented in former messages and reports, and is fully treated by the Secretary. The solicitude of the Government for the relief of our captive fellow-citizens has known no abatement, but has, on the contrary, been still more deeply evoked by the additional sufferings to which they have been wantonly subjected by deprivation of adequate food, clothing, and fuel, which they were not even permitted to purchase from the prison sutlers. Finding that the enemy attempted to excuse their barbarous treatment by the unfounded allegation that it was retaliatory for like conduct on our part, an offer was made by us with a view of ending all pretext for such recriminations or pretended retaliation.

The offer has been accepted, and each Government is hereafter to be allowed to provide necessary comforts to its own citizens held captive by the other. Active efforts are in progress for the immediate execution of this agreement, and it is hoped that but few days will elapse before we shall be relieved from the distressing thought that painful physical suffering is endured by so many of our fellow-citizens whose fortitude in captivity illustrates the national character as fully as did their valor in actual conflict.

EMPLOYMENT OF SLAVES.

The employment of slaves for service with the Army as teamsters or cooks, or in the way of work upon the fortifications, or in the Government workshops, or in hospitals and other similar duties, was authorized by the act of 17th of February last, and provision was made for their impressment to a number not exceeding 20,000, if it should be found impracticable to obtain them by contract with the owners. The law contemplated the hiring only of the labor of these slaves and imposed on the Government the liability to pay for the

value of such as might be lost to the owners from casualties resulting from their employment in the service.

This act has produced less result than was anticipated, and further provision is required to render it efficacious; but my present purpose is to invite your consideration to the propriety of a radical modification in the theory of the law.

Viewed merely as property, and therefore as the subject of impressment, the service or labor of the slave has been frequently claimed for short periods in the construction of defensive works. The slave, however, bears another relation to the State—that of a person. The law of last February contemplates only the relation of the slave to the master and limits the impressment to a certain term of service.

But for the purposes enumerated in the act, instruction in the manner of encamping, marching, and parking trains is needful; so that even in this limited employment length of service adds greatly to the value of the negro's labor. Hazard is also encountered in all the positions to which negroes can be assigned for service with the Army, and the duties required of them demand loyalty and zeal. In this respect the relation of person predominates so far as to render it doubtful whether the private right of property can consistently and beneficially be continued, and it would seem proper to acquire for the public service the entire property in the labor of the slave, and to pay therefor due compensation rather than to impress his labor for short terms; and this the more especially as the effect of the present law would vest this entire property in all cases where the slave might be recaptured after compensation for his loss had been paid to the private owner. Whenever the entire property in the service of a slave is thus acquired by the Government, the question is presented by what tenure he should be held. Should he be retained in servitude, or should his emancipation be held out to him as a reward for faithful service, or should it be granted at once on the promise of such service; and if emancipated, what action should be taken to secure for the freedman the permission of the State from which he was drawn to reside within its limits after the close of his public service? The permission would doubtless be more readily accorded as a reward for past faithful service, and a double motive for a zealous discharge of duty would thus be offered to those employed by the Government—their freedom and the gratification of the local attachment which is so marked a characteristic of the negro, and forms so powerful an incentive to his action. The policy of engaging to liberate the negro on his discharge after service faithfully rendered seems to me preferable to that of granting immediate manumission, or that of retaining him in servitude. If this policy should recommend itself to the judgment of Congress, it is suggested that, in addition to the duties heretofore performed by the slave, he might be advantageously employed as pioneer and engineer laborer, and in that event that the number should be augmented to 40,000.

Beyond these limits and these employments it does not seem to me desirable, under existing circumstances, to go. A broad moral distinction exists between the use of slaves as soldiers in defense of their homes and the incitement of the same persons to insurrection against their masters. The one is justifiable if necessary, the other is iniquitous and unworthy of a civilized people; and such is the judgment of all writers on public law, as well as that expressed and insisted on by our enemies in all wars prior to that now waged against us. By none have the practices of which they are now guilty been denounced with greater severity than by themselves in the two wars

with Great Britain, in the last and in the present century; and in the Declaration of Independence of 1776, when enumeration was made of the wrongs which justified the revolt from Great Britain, the climax of atrocity was deemed to be reached only when the English Monarch was denounced as having "excited domestic insurrections amongst us."

The subject is to be viewed by us, therefore, solely in the light of policy and our social economy. When so regarded, I must dissent from those who advise a general levy and arming of the slaves for the duty of soldiers. Until our white population shall prove insufficient for the armies we require and can afford to keep in the field, to employ as a soldier the negro, who has merely been trained to labor, and as a laborer [under] the white man, accustomed from his youth to the use of firearms, would scarcely be deemed wise or advantageous by any; and this is the question now before us. But should the alternative ever be presented of subjugation or of the employment of the slave as a soldier, there seems no reason to doubt what should then be our decision. Whether our view embraces what would, in so extreme a case, be the sum of misery entailed by the dominion of the enemy, or be restricted solely to the effect upon the welfare and happiness of the negro population themselves, the result would be the same. The appalling demoralization, suffering, disease, and death which have been caused by partially substituting the invader's system of police for the kind relation previously subsisting between the master and slave have been a sufficient demonstration that external interference with our institution of domestic slavery is productive of evil only. If the subject involved no other consideration than the mere right of property, the sacrifices heretofore made by our people have been such as to permit no doubt of their readiness to surrender every possession in order to secure their independence. But the social and political question, which is exclusively under the control of the several States, has a far wider and more enduring importance than that of pecuniary interest. In its manifold phases it embraces the stability of our republican institutions, resting on the actual political equality of all its citizens, and includes the fulfillment of the task which has been so happily begun—that of Christianizing and improving the condition of the Africans who have, by the will of Providence, been placed in our charge. Comparing the results of our own experience with those of the experiments of others who have borne similar relation to the African race, the people of the several States of the Confederacy have abundant reason to be satisfied with the past, and to use the greatest circumspection in determining their course. These considerations, however, are rather applicable to the improbable contingency of our need of resorting to this element of resistance than to our present condition. If the recommendation above made, for the training of 40,000 negroes for the service indicated, shall meet your approval, it is certain that even this limited number, by their preparatory training in intermediate duties, would form a more valuable reserve force in case of urgency than threefold their number suddenly called from field labor, while a fresh levy could, to a certain extent, supply their places in the special service for which they are now employed.

OTHER DEPARTMENTS.

The regular annual reports of the Attorney-General, the Secretary of the Navy, and the Postmaster-General are appended, and give

ample information relative to the condition of the respective departments. They contain suggestions for legislative provisions required to remedy such defects in the existing laws as have been disclosed by experience, but none of so general or important a character as to require that I should do more than recommend them to your favorable consideration.

NEGOTIATIONS FOR PEACE.

The disposition of this Government for a peaceful solution of the issues which the enemy has referred to the arbitrament of arms has been too often manifested and is too well known to need new assurances. But while it is true that individuals and parties in the United States have indicated a desire to substitute reason for force, and by negotiations to stop the further sacrifice of human life, and to arrest the calamities which now afflict both countries, the authorities who control the Government of our enemies have too often and too clearly expressed their resolution to make no peace, except on terms of our unconditional submission and degradation, to leave us any hope of the cessation of hostilities until the delusion of their ability to conquer us is dispelled. Among those who are already disposed for peace many are actuated by principle and by disapproval and abhorrence of the iniquitous warfare that their Government is waging, while others are moved by the conviction that it is no longer to the interest of the United States to continue a struggle in which success is unattainable. Whenever this fast-growing conviction shall have taken firm root in the minds of a majority of the Northern people there will be produced that willingness to negotiate for peace which is now confined to our side. Peace is manifestly impossible unless desired by both parties to this war, and the disposition for it among our enemies will be best and most certainly evoked by the demonstration on our part of ability and unshaken determination to defend our rights, and to hold no earthly price too dear for their purchase. Whenever there shall be on the part of our enemies a desire for peace there will be no difficulty in finding means by which negotiation can be opened, but it is obvious that no agency can be called into action until this desire shall be mutual. When that contingency shall happen the Government, to which is confided the treaty-making power, can be at no loss for means adapted to accomplish so desirable an end. In the hope that the day will soon be reached when under Divine favor these States may be allowed to enter on their former peaceful pursuits and to develop the abundant natural resources with which they are blessed, let us, then, resolutely continue to devote our united and unimpaired energies to the defense of our homes, our lives, and our liberties. This is the true path to peace. Let us tread it with confidence in the assured result.

JEFFERSON DAVIS.

ASST. QUARTERMASTER-GENERAL'S OFFICE, TAX IN KIND,
Richmond, November 7, 1864.

Hon. J. A. SEDDON,
Secretary of War:

I have the honor to submit the accompanying report in answer to the resolution of the House of Representatives of the 14th of June, received at this office 22d of September. In consequence of the difficulty in

collecting the minor reports from the officers and agents dispersed throughout the Confederacy, it has been impossible to represent a full statement of all the receipts of the crops of 1863. The Trans-Mississippi Department is very imperfectly reported; it is supposed that the mails containing the information have been captured. Large quantities of the tithe have been collected by unauthorized parties belonging to armies in the field. These can only be ascertained after many months, through the collectors of the money tax and the penalty in default of delivery in kind. It is expected that a more complete statement will be ready for Congress during the first half of its session. The value of the tithes which have passed through the hands of the officers on tax duty at schedule rates in the several States is $110,527,542. It is estimated that the reports from the Trans-Mississippi Department, and more complete statements from this side, and the irregular collections by the armies in the field not reported, will increase this amount to beyond $150,000,000. But this must not be assumed as the tenth of the productions, because many delinquents will pay in money, and large districts impracticable for the establishment of tax depots will also pay in money. The gross cost of collection is reported at $2,376,277.40; the net cost of collection, $1,244,686.07. These are underestimates of the actual cost, the outstanding debts not being included. The more complete report will probably increase the percentage of cost of collection to about 4 per cent. gross and 2 net. The net cost is arrived at by deducting from the gross outlay the hire of laborers and teamsters, excess of transportation over eight miles, purchase of means of transportation, grain sacks, hay presses, scales, boxes, and barrels—expenses which would have been created if the tax-in-kind laws were not in existence.

The voluntary payment of the tithe tax exhibits a cheerful compliance by the people with the law. Generally the receipts exceed the assessors' estimates, which arises from the fact that many producers have voluntarily paid their tax without having been assessed at all; but in a few cases they refuse to be assessed, and throw obstacles in the assessors' way. A remedy would be found in a law requiring producers to come forward in their own person or by proxy for assessment and imposing a penalty in default. Assessors for the year 1863 have in some instances failed to assess, and in others have rated values so low that producers have preferred to pay the money value and the 50 per cent. penalty rather than deliver in kind. The occupation by the enemy of large districts prevents assessors from operating, and the absence of producers in the Army is an obstacle to the thorough assessment of the crops. The Army consumes many crops of hay, corn, oats, and even wheat before they are matured. These can never be assessed, and are consequently lost to the tax in kind. A modification of the law is needed to require the money collectors everywhere, both in practicable and impracticable localities, to take up receipts in the hands of the producers who have, through ignorance, paid their tax in kind in good faith to unauthorized persons for the use of the Army, and to give credit for such receipts in satisfaction of the money value. The exemption from the tax in kind on corn to those who do not produce more than 200 bushels of corn will have a serious effect upon the receipts of the present year, and the same effect will be experienced in estimating the worth of a producer. Under the tenth section of the act he cannot be taxed in kind unless he is "worth $500 for himself and $100 for each minor child living

with him, and $500 in addition for each minor son he has living or may have lost or had disabled in the military or naval service." This would not be material if the worth were estimated in our Treasury notes, but Article III, section 1, of the act of 17th of February, 1864, Chapter LXIV, values such taxable property at its market value in the neighborhood in 1860. The effect is, a producer rents a farm and has little other property than 500 bushels of corn, the product of the farm. This crop, estimated at its value in 1860, with his other property, may not exceed the amount which would exempt him, and he pays no tithe. The report analyzed gives the following results:

The tithe of wheat (being 29,048,711 rations of flour) and the part of the corn (amounting to 49,339,528 rations of meal), at one pound to the ration, will supply bread for 200,000 men one year. The tithe of bacon, at one-third pound to the ration, will supply 160,211 men one year. The remainder of the tithe corn, together with the oats, at ten pounds to the ration, will supply 130,374 animals one year. The tithe hay and fodder, at ten pounds to the ration, will supply 35,992 animals one year. But this must not mislead into the supposition that all the tithes have gone to the Army. Besides issues to armies in the field they have been distributed to the different bureaus of the War Department, and have contributed largely to the support of their operatives and animals. To a considerable extent the families of soldiers have been supplied with bread from them. Some remain on hand in localities difficult of access, and a small percentage has been lost by fire, by the enemy, and by decay. The analysis is given to exhibit in a condensed shape the capacity of the tax in kind to furnish food.

Very respectfully, your obedient servant,

LARKIN SMITH,
Assistant Quartermaster-General.

WAR DEPARTMENT,
November 8, 1864.

His Excellency JEFFERSON DAVIS,
President:

SIR: I have the honor to submit the accompanying reports and letters from Brigadier-General Echols and others, disclosing the existence of a treasonable association among the disaffected people resident in various counties of Southwestern Virginia. This association is so pernicious and formidable in its operations and designs as to require prompt and vigorous measures on the part of the Government to arrest and repress it. Some weeks since, through the zeal and vigilance of Leory, who had been employed by the Department as a commissioner to examine persons under arrest by the military authorities, intelligence was received of combinations being formed among the disloyal in one or more counties for dangerous ends, and he was instructed to devote himself diligently to the investigation and discovery of their character, extent, and aims. At the same time his expert detectives were sent from this city to aid in making inquiries and discoveries. Through confessions that were made by a suspected party under military arrest on other grounds, and by the success of these detectives, while themselves under apparent arrest, in winning the confidence of other guilty parties, information was obtained both of the names of some members of the association and of the signs and passwords by which they might be approached and communicated with. The detectives then proceeded to prosecute

their researches and to obtain an insight into the character and aims of the association.

At the same time other investigations were being actively made by Mr. Leory and by Brigadier-General Echols, then in command of the department, to whom all discoveries effected were disclosed. The result has been to ascertain that for months past there has existed in Southwest Virginia an association with its headquarters outside the Confederacy, within the enemy's lines and probably under the guidance of intelligent but artful traitors and foes, extending over many counties and spreading rapidly among the disaffected, and through their insidious representations among the ignorant likewise, having for its direct purpose to give aid and co-operation to the enemy in their efforts for the subjugation of the State as also to shield themselves from danger and participate in the spoils and confiscations of the enemy.

The association is secret, the members have signs and passwords known only among themselves, and are bound to each other for the prosecution of their nefarious designs by the most solemn oaths. They are under obligation to encourage desertions from the Army and to pass and harbor all deserters, escaped prisoners, or spies; to give information to the enemy of the movements of our troops, of exposed or weakened positions, of inviting opportunities of attack, and to guide and assist the enemy either in advance or retreat. They are believed on more than one occasion to have caused the frustration of our plans and successful surprises by the enemy, and among the latter the one that resulted disastrously in the death of the gallant General Morgan. They have an understanding with the enemy that they are in every event to be free from military service; that their homes and possessions are to be ever preserved, to secure which they have certain indications by which their property is to be recognized; that whether on mere present successes or on ultimate conquest, they are to participate in the rewards of victory. Numbers of deserters from our armies and of violent disaffected men, both from within and without our lines, have collected in this vicinity, and under the influence of the members of this association, and having from them aid and countenance, have banded together, plundering and subsisting upon the means of the well-affected citizens and holding all such in some counties, by threats and outrages, in such terror as to prevent not merely efforts against them, but even disclosures of their names or deeds.

This association, originating in remote localities, little known and difficult of access, long escaped observation and detection. Enjoying in consequence impunity, it has of late spread extensively and is now diffused over many counties of Southwest Virginia, and has even extended to some bordering counties of the Valley. It embraces some citizens of position and influence hitherto unsuspected, and has been able in one county to elect the sheriff and in others the justices of the peace from its members. In not a few they exercise a controlling influence over witnesses and jurors, and consequently in the administration of criminal law. As their numbers have extended, their leaders have become more ambitious in their designs. They have lately conceived the idea of forming a new State of Southwest Virginia, and within their association have elected officers whom they style governor, lieutenant-governor, brigadier-general, and judges, so as to furnish the official organization of a government. They claim, likewise, to have extended their insidious operations to our armies and

to have in at least one regiment the majority of the soldiers, and in many others members actively engaged in encouraging desertions and disseminating their principles. One of the leading members of the association advised the detectives, supposed to be members, that the best service they could render would be by gaining in the army of General Lee adherents to their plans.

When these discoveries were partially made this Department was anxious to remedy the progressing evil by sending forces into the disaffected counties to arrest or disperse deserters and predatory bands, and by instituting legal proceedings against the leaders of the association. Forces have been advantageously employed in restoring order and making arrests in several of the most disaffected counties, but the deserters and outlaws, with the information and aid received, in large numbers escape into the recesses of the mountains and pass to other counties.

To determine whether judicial proceedings should be instituted, Mr. Nicholas F. Bocock, of Buckingham, a lawyer of experience, intelligence, and character, was sent by the Department to investigate the nature of the evidence and advise the remedies to be applied. His information and examination convince him that while the evidence is fully adequate to satisfy any reasonable mind of the facts stated, yet being derived indirectly from parties implicated, from the reports of others, and from circumstances of suspicion would, in most instances, not suffice to convict on indictments for overt acts of treason. There would, too, be little chance of justice before the tribunals in the disaffected region where both complicity and terror would preclude fair judgments. He therefore recommends the suspension of the writ of habeas corpus, as at once the prudent and most satisfactory remedy. In this view I fully concur. The prompt arrest of all the leaders in this traitorous conspiracy might then be made by the military authorities; they could be removed, to the terror of their accomplices, and be detained at a distance from the places of their deleterious influences.

The less conspicuous and more ignorant members would be affrighted and deterred from the further prosecution of their evil designs, and all would be repressed by the knowledge that they could at any time be seized and confined by the military authority. The dread alone of such action would in general suffice, and, except in case of leading culprits, there would probably be little or no occasion to exercise the power of arrest and detention. Experience has shown that such has been heretofore, in case of apprehended dangerous combinations or individual disloyalty, the salutary effect of the mere suspension. I therefore advise that its suspension under the present formidable appearance of disaffection in Southwest Virginia be earnestly recommended to Congress.

Respectfully submitted.

JAMES A. SEDDON,
Secretary of War.

[Inclosure No. 1.]

CHRISTIANSBURG, *August 28, 1864.*

[Major LEORY(?):]

MAJOR: Understanding that you intend visiting Richmond for the purpose of representing the condition of this section of country to the military authorities, we desire to unite our testimony with yours. We would respectfully represent that the counties of Montgomery,

Floyd, Giles, and others adjacent, are infested by armed bands of deserters, both from ours and the Yankee army; that the lives and property of all loyal citizens are rendered very insecure by their presence; property having been repeatedly burned and unarmed and inoffensive citizens fired upon; that the reserve forces of this section are totally inefficient under existing organization, the deserters having fired upon, captured some of them, and dispersed the remainder; that we have good and sufficient reason to believe that a secret society whose principal object is to encourage desertion exists in our midst, and has for members all or nearly all the disloyal portion of our community.

We further believe that the Virginia and Tennessee Railroad will be cut by the deserters unless they are dispersed, and that communication by this important line is in danger of being interrupted at any time by them.

Permit us, major, to express the entire confidence that we feel in your zeal for the welfare of our country, and we believe that you will use every exertion to obtain for us relief from the existing state of affairs.

Very respectfully, your obedient servants,

ROBT. L. CUSTIN,
JAMES P. HAMMET,
Members Committee of Safety, Montgomery County.

[Inclosure No. 2.]

HDQRS. DEPT. OF SOUTHWESTERN VA. AND EAST TENN.,
Dublin, September 1, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Mr. Leory, the highly intelligent commissioner, &c., for this department, goes to Richmond this morning for the purpose of consultation with the authorities, principally with yourself, in regard to a matter of importance to our cause in this section and in one or two of the adjoining States. We have for some time back suspected the existence of a secret treasonable association, but have not until recently been able to determine its existence and extent, when Mr. Leory, by his intelligence and perseverance, has been enabled to determine with certainty its character and existence and extent. He will explain to you the whole matter. Some action must be taken at once in regard thereto, and I hope that the assistance which Mr. Leory desires in the way of experiment and skillful detectives may be furnished to him. I will, of course, do all in my power to aid him in the department.

I have found matters in the department in a bad condition, but will do all in my power to correct them.

I am, very respectfully, &c.,

JNO. ECHOLS,
Brigadier-General.

[Inclosure No. 3.]

DUBLIN, VA., *September 20, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: As the car was about leaving this point yesterday I wrote to you a hurried note stating that my plans with reference to the society

known as the "Heroes of America" had been successful. The detectives, with the aid I furnished them, have passed as members of this order and are obtaining important information. We have a large list of traitors. Within ten miles of this place we find three justices of the peace and one Methodist minister attached to the society. While in Montgomery County, among others, we have discovered the name of the sheriff recently elected. I have also reliable information that a prominent lawyer, once a candidate for lieutenant-governor of the State of Virginia, is a leading member of the treasonable order. I have but two detectives from Richmond and two obtained here. I need more at once. The adjoining counties are full of these people, and three or four men work in such a mass too slowly. I wish before any arrests are made to obtain testimony against the leaders in four or five counties. I am told there are 800 members of the order in Montgomery County alone.

The Governor of this State, having been informed of the existence of a secret society for treasonable purposes in Floyd County, is taking steps to break it up. I fear his plans and mine may conflict. Would it not be well to have him informed of the measures the Government has adopted?

I have efficient aid from General Echols.

I am, respectfully, your obedient servant,

HENRY J. LEORY,
C. S. Commissioner.

[Inclosure No. 4.]

OFFICE COMMISSIONER,
Dublin, September 19, 1864.

SIR: I have but a moment to write. My plans concerning the secret society have been completely successful. I need more detectives. I fear the steps taken by Governor Smith may interfere with mine. I have names of many members—more prominent men.

Your obedient servant,

HENRY J. LEORY.

[Inclosure No. 5.]

Report of Detectives.

Left Dublin the 12th of September (Monday evening); stopped all night with a Mr. Morgan, north the railroad about one mile from New River bridge; started next morning for the Central depot; stopped there and made inquiry for parties said to be living there; could find no such parties there. Saw Doctor Hammet, who informed me where some of the parties could be found; took the train to Christiansburg; arrived there, went in search of some of the parties named; first man found was Rowsie, a German living directly opposite the hotel kept by Mr. Burgess. He was standing in the door of the blacksmith shop. I walked up to him and gave him the sign of the order. He did not answer at first, seeming very shy. After a few moments made the sign again. After a little while he said, "These are gloomy times here," that being one of the passwords of the order. I answered, "Yes, but we are looking for better," that being the answer. He then smiled, seeing I had answered him correctly. We then had a little talk. He then introduced me to a young man named Henry Questine, who was working at the forge. I passed the sign, grip, and passwords with him. After getting out of the

door he told Rowsie he thought he knew me. I asked Rowsie what his name was. He told me. I then told him he did know me. I thereupon went in and told him I was not passing by my full name, and asked him not to make my name known, as it might prevent my passing about a little unsafe with the authorities, which I think he was careful in doing. Rowsie then invited me in the adjoining shop, there introduced me to a man at the forge by the name of Fariss. I passed signs, grip, and passwords with him, and we then had a conversation about the gloomy times and gloomy men; found him a member of the order, very much against the Confederate States; heard from Questine afterward that this man talked with General Averell at the time he was in Christiansburg. There was also a German, whose name I did not learn, at work with him, also a member of the order.

By appointment with Questine, McGill and myself walked out with him some distance on the road and had a long conversation on the subject of the order, its members, objects, &c. He told me of the following-named persons, members of the order: Daniel H. Hoge, the lawyer living on the North Fork of the Roanoke River; William Harman and Captain Callahan, of the police; Capt. John Francis, formerly of French's battery, now sheriff-elect of the county of Montgomery. He told me this man had resigned his command, and his lieutenant had afterward carried the most of his command to the Yankee army. He also told us the organization was first formed in the county by a man named Horace Dean, about twelve months ago, who came on from Richmond, but whose home is in North Carolina, and that he passed through Carroll County, Va., on his way home. Also a man named Williams, a wheelwright in Christiansburg, belonging to the order, and William Burnett, a cabinetmaker, of same town, who was afterward seen and conversed with by McGill. Also one Randall Cardin, an initiating officer, who lives on the Pepper's Ferry road, and one Bresser, nearby, and said there were some ten of them living there near together of the order, and of a lot of deserters on a place called Tom's Creek, and said they were supplied with powder and caps by members in Christiansburg to resist their capture. He mentioned in his conversation that the members of the order were bound to convey all the information they could obtain to the enemy, and to assist all deserters from our army. On the following day, the 14th day of September, McGill and myself were seated on the platform in front of Rowsie's dwelling; he, Rowsie, then told us that Capt. John Francis, then sitting a short distance from us with several persons around him, all belonged to the order, and that he was elected sheriff by reason of his being a member of the order, and also of Lawyer Daniel H. Hoge, of the same county, who was also a member of the order; that three-fourths at least of the people of the county were members, and in Floyd County nearly all the people, and in Giles and Montgomery, and also a greater part of the men of the Fifty-fourth Virginia Regiment also members, and that it was widely extending in the army near Petersburg.

We endeavored on the same evening to get an interview with Capt. John Francis. I sent Questine to ask him to meet us in room No. 4 in the hotel; saw McGill; told him. We then went on to the room; remained there some time. Captain Francis did not come. I then asked McGill to go out and look for him. He went out, and saw Questine go up and speak to Francis, who directly after mounted his horse and rode off without our speaking to him. We supposed he was afraid

we were not all right, and we thought the rest of the party seemed to be getting restless and uneasy from some cause or other. We left Christiansburg and walked to the Montgomery Springs; left there next morning, Thursday, 15th, for Dublin Depot; then went over to Newbern; had an interview with Major Leory; started next morning from Newbern for Snowville; stopped on the route at Andy Hall's, between the ferry and Snowville; found the family strong Union people. The women seemed to know all about the order; one of the women knew the passwords. I afterward heard they were members of the order. Andy Hall said his sons and son-in-law were in the brush, and would never serve in the Southern Army. Told them we were Union men in search of information to send to the Federal Army. They seemed highly pleased. Andy Hall said he had never joined the order; that his recollection was so bad he could not remember the passwords, &c. When we left he walked with us and showed us the road; told us to stop at his brother's, David P. Hall; that he was a member of the order. We then passed on to Snowville; staid all night. Left next morning, Saturday, the 17th, for Childress' Store; passed by, came to the farm of William Childress, who, we had been informed, was a member of the order. Met him at home; passed sign and grip and passwords with him; found him to be a member of the order; had a conversation about the war and found him a strong Union man, much opposed to the war and the Confederacy. Told us his brothers, Tom and Stephen, were members, and invited us over to the distillery, where we met his brother Tom, a justice of the peace, who is a very strong Union man. He said, in conversation with McGill, that some man was making brandy, and would like to make some for Uncle Jeff; that he would make it all right. McGill replied he would put something in it, would he not? He said yes, seeming much pleased. There was also a cooper named Tom W. Terry, a violent Union man. Capt. John Francis came while we were there, and there was a great deal of private conversation among the party. Then we were afterward told by James Hight that they were consulting about killing us if they could find out whether we were spies sent there to find out what they were doing. When we were in the act of leaving, Stephen Childress advised us not to go on to Christiansburg, but to stop with Madison Smith, a preacher.

We went on to Christiansburg next morning, Sunday, 18th; raining quite hard; went out to Preacher Smith's; found him at home; went in; made the sign to him. He did not answer at first; seemed to be suspicious of us. We entered into conversation with him; told him we were recommended to come to see him by Stephen Childress, and, after talking sometime, told him, from conversation with Childress, I inferred he was a member of the Order of the Heroes of America; said he had heard of it; told him we were in search of information to take to the Federal Army. He was much in favor of the Yankees and opposed to the Confederate cause. Told us we need not be afraid to talk to him; told him McGill was going through the lines. During the time we were there a man named James Thompson came in. He was a violent Union man; said to be keeper of the poorhouse. After remaining three or four hours, we took our leave, and had gotten some 100 yards when Preacher Smith called to us. We halted; he came up to us and said he supposed we understood he was all right—that he was a preacher and must be cautious how he talked to strangers. Told him I supposed he was a member of the order; that he knew we were, and in as much danger as himself. He then

acknowledged he was; gave us the grip at parting and wished us much success at parting; then parted and went back to Christiansburg.

Left next morning, Monday, 19th, for Montgomery Springs. Next day, Tuesday, 20th, went over to see Daniel H. Hoge; found him at home; engaged in conversation with him; passed sign with him; McGill said, "It's gloomy times." He said, "Yes, they were gloomy." I answered, "Yes, but we were looking for better." Hoge asked what we were looking for. I answered, "A red and white cord." He asked, "Why a cord?" I answered, "Because it is safe for us and our families." He then remarked it was a good cause. McGill said he thought it was. He then asked where we were from. I told him I belonged to Parker's battery on Howlett's farm, and was from Richmond. He asked me who was working in the cause in Richmond; told him I was not much in the city and could not tell him, but I knew the masses of the people were opposed to the war. He then asked me if the order had spread much in the army. We told him it was spreading rapidly. He said he never wanted to see the Confederacy recognized. He also asked me how A. J. Crane and H. K. Ellyson, of the city, were in the cause; said he would like much to hear from him; urged me to see him and find out, and write to him if he belonged to the order, and to write how the cause was progressing in the city and army, and who was working. Told him I did not know if we should go back to Richmond. McGill told him he thought he should go through the lines and go to Alexandria. Hoge told him he had better stay and work in the cause and try to elect members to the Legislature who were favorable to the call of a convention of States to settle the war. Said he would like to see John M. Botts, and would write to him if he knew how to get a letter to him, as he thought Botts could give him a great deal of information. Thought they could devise some means to stop the war. I told him I would convey the letter. He then asked me if I would write a few lines to Botts and request him to write to him (Hoge), and that he would like to meet Mr. Botts in Lynchburg, as his daughter was going to school there and he could go down there and see him without creating any suspicion. I promised to write to Mr. Botts and also to him (Hoge).

Mr. Hoge told us this order was known to most of the officers in the Yankee army, and that the members of it were not molested by them, and that during the time the Yankees were at Blacksburg they picketed on the side of the mountain opposite his house, and that they were in the act of taking a horse from a woman, but upon being satisfied that the man was all right, or member of the order, they did not take the horse. They inquired of the woman who lived down there (meaning his, Hoge's, place). She answered that if they knew that man as well as she did they would not molest him; that it was Daniel H. Hoge, and that he was opposed to the war from its commencement, and had been fighting against it ever since. They then said they would not interrupt him, and did not. He stated that he should have gone to Blacksburg while the Yankees were there, but that it was raining, and he could not walk, and that he could not ride without attracting too much notice, and that his wife was confined and opposed to his going; consequently did not go. He said he knew the Yankees would not take him prisoner or otherwise interfere with him. At parting shook hands, gave us the grip of the order, wished us success, again asked me to write; promised to do so.

JNO. B. WILLIAMS.
THOMAS McGILL.

[Indorsement.]

WAR OFFICE,
November 9, 1864.

Submitted by Major Carrington, provost-marshal, with assurances of the reliableness of the parties.

R. G. H. KEAN,
Chief of Bureau of War.

[Inclosure No. 6.]

Report of Detectives.

FINCASTLE, *Monday, October 10.*

While sitting on the porch of J. & H. Guggenheimer the sign of secrecy of the Order of Heroes of America was given me by a man whom I afterward learned was named George Fellows, who was sitting on his porch opposite. I answered him. In a few minutes he crossed the street toward me and gave me a sign to follow him. I went on and followed him into a cellar. After getting in he said, "Three." I answered, "Days." He then said I was all right, and took from his pocket a bottle of brandy and invited me to drink. He then told me he had been informed that there were two Yankee spies in town, and that I had been pointed out to him as one of them. He said he told the man he would find out, and that after giving me the sign and finding I was all right, that the man might go to the devil. He told me the head man of the order in the county lived in town, and he would like me to see him. I told him I should like to have an interview with him. He told me his name was John Camper. About this time some man came in the cellar, when I walked out. The same evening of the 10th, McGill and myself were on the same porch, and I saw Fellows and another man sitting in a door opposite to us. Fellows made a sign toward the other man. From this I understood it to be John Camper. In a short time we got up and started down the street in the direction of Camper's residence. Camper followed us. When he got to his gate he started in. We gave him the sign of secrecy. He answered. We then went through with the passwords. He then invited us in. We went in and took a seat on the porch; talked about the order and the war, &c. I asked him what the obligations of the order were; told him I understood they were, in part, to convey all the information to the Federal army that could be obtained and to assist deserters in passing through the country from the Confederate army. He said yes; that was their obligation, and said the order was known by the Yankee officers, and that when the Yankees passed through the town that he asked them for a guard, and they posted two at his gate. He also told us that about 1,000 deserters had passed through the country; that they passed around the town, flanking it. He told us the owner of the factory nearly opposite his house was a member of the order, and that his name was Amons. And the man who lived next above him was also a member. His name I did not learn. After some other conversation we took our leave. He gave us the grip at parting.

We started on back to the hotel at which we were stopping. We were overtaken by a negro shoemaker, at whose house we had previously met Fellows, and was told by him to look out, that the citizens of the town were making up a party to arrest us. We then met Fellows, who told us the same and advising us to leave town, and

requested us to meet him in the cellar where we had met in the morning. Promised to meet him. We then went on to the hotel. There found several persons gathered and some excitement. After consultation, thought both had better not go. I remained, and McGill went up to see him. On the same day in the forenoon we had an interview with Fellows in the shop of this negro shoemaker. He inquired of us about Doctor Rucker and his command. He wanted to find out where it was. Said he was going to start through the lines in a night or two. Said his wife had a ring which was given to her by Doctor Rucker with his name on it, and the doctor would befriend him. This man Fellows was walking on a crutch, but said he was perfectly well and could walk as well as ever, and that he could walk thirty miles per day. The negro who was working in the shop said he had seen me in the Yankee army that passed through the town—was certain I was the man. I told him to keep that a secret, and I think he did. He told us we need not be afraid to talk to Fellows; that he was all right. Fellows said he could get through the lines in three nights. Next day, the 11th instant, met Fellows at the same shop. As we were about to leave he told us we had better go, as the citizens were watching us, and that his wife had been about town and the citizens were talking a good deal about us. Said we were lying about in the free negro houses; advised us to leave before the enrolling officer came.

He told McGill in the morning that he had been told we were detective officers from Richmond, and if he thought it true we would not live to get to the depot. The negro shoemaker said there would be the damnedest running off among the negroes of the town in a short time that ever was heard of.

We took leave of Fellows and the negro and started on the road for Bonsack's Depot; stopped at the pottery of the Noffsinders, about one mile from Fincastle, who we understood were members of the order, but they were absent. We went on and stopped all night with a Dunkard preacher by the name of Nininger, said to be a member of the order. He would not give us the signs or passwords. He had been arrested a few days previous and was, I suppose, suspicious of us. In conversation found him opposed to the war and of strong Union sentiment. We proposed to pay for our supper and lodging; he asked us if we had anything besides Confederate money, that he did not care about that; told him we had not. He then said his daughter had to have her bonnet fixed, and she could use it in that way. We then paid him $10. We left next morning by daylight. Walked on to a Mr. Ben Broumore, another Dunkard preacher. Found him at the ——. Told him we had called to see if we could get breakfast with him. Told him we had stayed all night with Nininger and had to leave before breakfast in order to reach the train in time. McGill then gave him the sign. He smiled. Mr. McGill remarked, "It is gloomy times." He said, "Yes, very gloomy." I answered yes, but we were looking for better. He then asked what we were looking for. I answered, "A red and white cord." He asked, "Why a cord?" I replied, "Because it is safe for us and our families." He then asked us to the house. We went in, sat down, talked about the order and the war; spoke of the order and how it had spread in the Army. We spoke of the Fifty-fourth Virginia Regiment and said most of the men belonged to the order. He told us that most all of the Twenty-second had been initiated in the order and that a great many of them had deserted, which he said was a good thing, and

after some other conversation invited us to breakfast, after which we left. We shook hands at parting; he gave us the grip of the order.

JNO. B. WILLIAMS.
THOS. McGILL.

[Indorsement.]

RICHMOND, *November 9, 1864.*

Respectfully forwarded to the Honorable Secretary of War.

These men were sent by your direction to aid Commissioner Leory in his investigations. I consider them reliable.

I. H. CARRINGTON,
Provost-Marshal.

[Inclosure No. 7.]

DUBLIN, VA., *November 4, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

SIR: After consultation yesterday we all concluded it would be advisable for Mr. Bocock to return to Richmond and obtain your opinion on an important point that now presents itself. We are ready to make arrests. I have the names of over 100 persons, and evidence against most of them, but we have thought it desirable to make the arrests by military authority, and that cannot be done unless the writ of habeas corpus be suspended. We wish to know whether the President will apply to Congress for the suspension, and also concerning the probability of the compliance on the part of Congress. Mr. Bocock will also explain other points to you. He appears to doubt that the legislation of Congress will reach the case of treasonable organizations. We had a consultation yesterday concerning these matters with Generals Breckinridge and Echols. They are prepared to do what we conclude is best.

The last act of Congress suspending the writ of habeas corpus enumerated the cases in which arrests could be made, and covered all the cases that could occur here. It appears to me of the greatest importance that the writ should be suspended. Mr. Johnston, a distinguished lawyer in Abingdon (a nephew of General Joe Johnston), writes to General Echols that the secret order is growing fearfully in that part of the country. I have sent my two detectives there.

I write in some haste to give this letter to Mr. Bocock, who leaves this morning.

I am, your obedient servant,

HENRY J. LEORY.

[Inclosure No. 8.]

RICHMOND, *November 8, 1864.*

Hon. J. A. SEDDON,
Secretary of War Confederate States of America:

SIR: I deem it my duty to call your attention to the condition of things in Southwestern Virginia, and to urge upon you, and through you upon the other authorities, the necessity of the adoption of prompt and vigorous measures in order to remedy the evils which now exist in that region. It has been observed for several months past that the number of deserters in that department have been rapidly increasing, and that they have come from the two armies of Virginia and from the army of Georgia. In some counties of the department these

deserters have formed themselves into gangs and companies, and have been bold enough and strong enough to defy the police and enrolling guards of the counties where they were, and to make it necessary to send in pursuit of them strong military detachments. In some counties they have been very bold and have openly set the laws of the country at defiance, and have committed and are committing many outrages upon the property and persons of our respectable and loyal people. It has been found very difficult to capture or drive from the country these deserters, because they are supported and sustained in every way by the disloyal citizens of that section, and when pressed by a superior force they scatter and take refuge in the great mountains of Southwestern Virginia, where it is almost impossible to reach them thus scattered, and where they are supplied with all that they may need by their friends at the expense of the loyal citizens of property in their vicinity.

A secret and treasonable organization has been in existence in the department for many months and has lately been increasing in size and importance with great rapidity. It numbers among its members quite a large number of men of some local influence in the respective counties in which they live, among whom are to be found some professional men and officers of the law of the State of Virginia. This organization was formed originally at the suggestion of the Yankee authorities, and has scattered over the country now what are called their initiating officers. Persons who are received into it are bound by the most solemn oaths not to disclose the secrets of the society or order. They are all bound to communicate to the enemy at all times all information which they can convey which may be of value. They bind themselves in the event of any invasion of the country by the enemy to furnish all needed information as to the roads of the country, and to notify the invaders at all times of any approaching danger. In return for these and other services to be rendered it is understood that the Yankee authorities have promised protection to the persons and property of these people. They have adopted a badge by which they recognize one another. They have also adopted a system of signs and grips and passwords only to be communicated to the initiated. The more ignorant classes of the country have been induced to join the organization by the promise of a division hereafter among them of the property of the loyal Southern citizens.

It is reported and believed to be true that in the State elections of last spring one of this order was elected sheriff of an important county in that portion of the State, and several justices of the peace are known to be connected with it. Earnest efforts have of late been made to enlist the soldiers into the order, and it is known that these efforts have been successful to a certain extent. Information has been communicated lately which leads to the belief that a considerable number of the order are now in the Army of the Valley of Virginia, and that some of the soldiers in the army of General Hood, from Virginia, are also members. As a consequence of this a company of Virginia soldiers in this latter army who were on picket are said lately to have gone over to the enemy in a body. Of course the spread or adoption of the doctrines or purposes of this organization by any considerable number of our soldiers would be disastrous to us in the extreme.

This, then, sir, is the condition of the Department of Southwestern Virginia, and some active, energetic measures must at once be adopted to crush out the treason which has so rapidly spread itself over that

section of the Confederacy. It will be impossible to reach effectually the leading parties by the ordinary processes of law. They are so banded together that in the courts they could and would prove anything which they might desire.

In order to show the spirit which actuates these people it is proper that you should know that in two of the counties of Southwestern Virginia they have recently organized what they call a "new State," for which they elected a governor and lieutenant-governor, &c., and that in this same vicinity there was organized a brigade of deserters, for which was chosen a leader who was denominated "general."

This order has spread itself into East Tennessee and North Carolina. I make this communication, briefly and hurriedly, with the hope that I may have an opportunity of going more into details soon in a personal interview, but if I do not I desire to impress upon the authorities the knowledge of the serious and alarming condition of things of which I have spoken and the absolute necessity of the use of the most decisive measures in relation thereto.

I have the honor to be, very respectfully, your obedient servant,

JNO. ECHOLS,
Brigadier-General.

[Inclosure No. 9.]

RICHMOND, *November 8, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to report that in obedience to your instructions I last week visited Southwest Virginia for the purpose of assisting Major Leory, commissioner, in certain important proceedings which he contemplated instituting. Upon investigation I ascertained the following facts to be true: That there exists in many of the counties embraced in his commission an organized secret association, the members of which readily distinguish each other by certain passwords, grips, and other tokens of recognition communicated only to those who are initiated into it. Upon being admitted into the association the person admitted is required to take an oath to perform faithfully the duties imposed upon its members and, on penalty of death, not to divulge its secrets. The duties required are to encourage and facilitate desertion from the Confederate Army; to protect deserters and aid them in avoiding detection and arrest; to give information to the Federal troops of all facts which may enable them to strike a successful blow; to warn them of attacks meditated against them; to give information of the position, movements, numbers, and condition of the Confederate forces; to guide the enemy in their march through the country; to point out for destruction the property of loyal citizens; and, in short, to do everything and give all information which may contribute to the success of the Federal and the defeat of the Confederate cause, except only that they are not required to take up arms.

This organization has its headquarters in the United States, and of its character and purposes the Federal soldiers in the field seem to be well informed, so that they allow all members thereof residing on Confederate soil freely to pass in and out of their lines. The inducements offered to persons in the South to unite in the organization are exemptions from military service; protection to their persons and

property during the war; and, at the conclusion thereof, participation in the division of the real estate of loyal citizens. In the extreme southwestern counties of the State of Virginia this organization is rapidly increasing in numbers, extending also into the State of North Carolina and eastward into many of the counties of Virginia and embracing already many of the most prominent and influential members of society. In some counties justices of the peace and in one the sheriff-elect are known to belong to it and to have been elected by the votes and influence of its members. Throughout the section of country where it exists there are many deserters from the army, who, concealed by its members, lurk along the highways and fall upon and rob loyal citizens when found alone or unprotected, and in some instances they have entered the houses of such citizens and plundered them. So numerous and efficient is the organization that though the military authorities in that department are vigilant and active in their efforts to arrest the deserters, yet their efforts are rendered almost fruitless by the facilities for concealment and escape rendered them on every hand by the members thereof.

The proofs of the existence of this organization and of its extensive prevalence and rapid growth, and of the names and localities of many of its members, are of such a character as to exclude all doubt. Such was the evil as to the remedy for which I was called on to advise. It was easy to say arrest the deserters and punish them, but how arrest them, while at every turn they were concealed and warned of the approach of the force sent to arrest them? It appeared to me to be indispensable, first, to break up the organization by which they were sheltered, and then alone would their apprehension become practicable. But how to break up this organization was the real difficulty.

The members of it are persons who are above the conscript age, or are exempt from military duty, and are therefore not liable to seizure by military authority and trial before the military courts. If arrested and brought to trial before the civil courts, the evidence being only that such an organization exists for such purposes and with such designs and that the parties on trial are members of it, there being no evidence that any particular person did or assisted in doing any of the acts proved, it would be almost impossible to fix guilt on any individual so as to secure his conviction. The results of the organization appear, their agency is manifestly exerted, but there is no evidence and none likely to be obtained to prove who has acted.

The organization is extending itself daily, and, for other more daring deeds, is gathering strength and awaiting its opportunity. Before that opportunity occurs, it must be struck down or it will become fearfully potent.

I have advised that the law as it now stands affords no adequate remedy for the evil; none but such as, if attempted to be applied, would by the very failure to suppress, stimulate the growth of the association. My opinion is clear that the only mode of successfully combating this alarming evil is by military authority, which can only be done upon legislation providing for its exercise and relieving it of interference by the civil authorities by the writ of habeas corpus or otherwise, until the treason is effectually suppressed.

Respectfully submitted.

N. F. BOCOCK.

[Inclosure No. 10.]

Report of Detectives.

In the jail at Abingdon, on the 2d of November, conversed with the following men and found them members of the Order of Heroes of America:

First. John Gardner, with whom we exchanged signs and passwords. He told us which way to go to get out of the lines; to go by the way of Estillville, of this county, and through Scott County into Tennessee. Told us nearly all the people in the lower end of the county of Washington and in county of Scott were members of the order, and that John Hamilton, the sheriff of the county, was a member of the order and would assist us any time, day or night, that we would call on him, to pass through the lines, and that a man named Dorton was also a member and would assist us.

Second. Harrison Bowman, a member, also told us that John Hamilton, sheriff, was a member and would assist us in getting through the lines, and with provisions, and that he lived on the south side of the North Fork of the Holston River; also told us of one William Dorton, a member, who would assist us. Told us most any of the people in that part of the country would assist us in getting off. He told McGill that he had written a letter, which had been found upon his little boy, describing the way for the enemy to come in and capture the post of Abingdon, where the arms were kept, how the jail was situated, &c., but said the authorities would have to prove that he wrote it. He told us he had been staying out in the bushes for some length of time with some fifteen others, and that in one hour more he would have gotten off, as all his arrangements had been made to leave. He said he expected the enemy to come in there in a few days.

Third. A man whose name I did not learn, who gave us the signs and passwords of the order. This man was dressed in a straw hat and a bedquilt over his shoulder made in squares. McGill says there are some five others in the same part of the jail, members of the order.

On the train between Dublin and Lynchburg found two members of the order sent from Wytheville; told us they were members; passed the signs and passwords with them; one of them was E. B. Petrie, from Forsyth County, N. C.; said the order was extensive in that country; the other, Linville Price, deserter from the Thirty-fourth North Carolina Regiment, from Ashe County, N. C. I think valuable information may be gotten from these men. They are confined now in Castle Thunder.

JNO. B. WILLIAMS.
THOS. McGILL.

[Indorsement.]

NOVEMBER 9, 1864.

Respectfully forwarded to Honorable Secretary of War.

I. H. CARRINGTON,
Provost-Marshal.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 8, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received a resolution adopted by the House of Representatives on the 14th of June, 1864, and referred by Your Excellency

to this Department, requesting the President "to transmit to the House at the commencement of the next session a tabular statement showing the product in each State of the 'tax in kind' for the year 1863, said statement to exhibit the quantity of each article paid by the several States, the aggregate quantity contributed by all the States, and the value thereof, estimated as in cases of impressment." In response, I have the honor to transmit herewith a letter and tabular statement prepared by Lieut. Col. Larkin Smith, assistant quartermaster-general, in charge of the tax in kind, with the approval of the Quartermaster-General, giving the information called for by the House.*

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

HEADQUARTERS RESERVE FORCES OF ALABAMA,
Montgomery, Ala., November 8, 1864.

General S. COOPER,
Adjutant and Inspector General, Richmond, Va.:

GENERAL: Herewith I forward copies of a communication from Governor Watts and my reply thereto; also copies of a note of inquiry from the commandant of conscripts and my response thereto, as well also a printed copy of a general order issued by Governor Watts, dated October 21, 1864.† These papers are forwarded as information and for such action as to the Department may seem proper. I shall obey the orders given me, meeting force with force.

I am, general, very respectfully, &c.,

J. M. WITHERS,
Major-General.

[Inclosure No. 1.]

EXECUTIVE DEPARTMENT OF ALABAMA,
Montgomery, Ala., November 8, 1864.

General J. M. WITHERS:

DEAR SIR: I learn that some of your enrolling officers have been taking by force officers of the State, holding not only my certificates, but those of Colonel Lockhart, commandant of conscripts. This state of things cannot long exist without a conflict between the Confederate and State authorities. I shall be compelled to protect my State officers with all the forces of the State at my command. I hope you will see the importance of preventing such a condition of things by instructing your enrolling officers as to their duties. I did not expect to be under the necessity of writing to you on this subject after the conversation with me ten days since. I shall be pleased to hear from you on this subject.

Very respectfully,

T. H. WATTS,
Governor of Alabama.

[Inclosure No. 2.]

HEADQUARTERS RESERVE FORCES OF ALABAMA,
Montgomery, November 8, 1864.

His Excellency THOMAS H. WATTS,
Governor of Alabama:

DEAR SIR: I have the honor to acknowledge the receipt of your communication of this date in which you state that you "learn that

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*See p. 800.

†Order not found.

some of your (my) enrolling officers have been taking by force officers of the State holding, not only my (your) certificates, but those of Colonel Lockhart, commandant of conscripts." As you do not specify any instance in which force has been used by enrolling officers to put "officers of the State" in Confederate service, I am left without the information indispensable to instituting such investigation as would enable me to correct abuses, if any exist, and, if not, to the giving you correct explanations. No instructions have been given to enrolling officers not required by orders and instructions forwarded to me by the War Department. My personal feelings and my sense of policy and duty have united in making me most anxious to perpetuate the most frank and cordial co-operation with you in the discharge of the duties assigned me. For this purpose I have deferred to your wishes whenever I had the discretion to do so, and when I have had no discretion the subject of difference has been promptly referred to the War Department. Thus, in reference to the instructions to hold all persons liable to the Confederate service between the ages of seventeen and fifty years, and not to recognize the claims to exemption by any of these, should such claims be based on elections to State officers occurring subsequently to the 17th of February last, your communication was immediately forwarded to the Department. As no response has been received and no change in my instructions given, you know too well the obligations of an officer to suppose that I would hold a commission and fail or refuse to obey the orders given me.

In the conversation to which you allude there were three subjects to which I called your attention, and on which I thought there was at last a full agreement. The first was as to State officers, and to prevent conflict I requested to be furnished with a list of those pronounced by you indispensable and therefore exempt. No such list has been received and hence no specific instructions could be given by me. The second was as to persons liable to service in the reserve who had avoided that service by joining militia companies. The third was as to parties between the ages of eighteen and forty-five years in militia companies whose furloughs and details had been revoked and who were therefore liable to general service. In reference to each of these classes I understood that you would issue orders to have them turned over to the enrolling officers. Yet from your note in reference to Captain Stark's company I was induced to believe that you still contended for the right to retain both classes in your militia companies so long as they were considered on duty. You cannot regret any conflict between State and Confederate States authority more than I do, yet you must recollect that whilst I hold a commission I can only exercise such discretion as is given me. That when none is given me I must carry out orders, and in doing so that I am in duty bound to use such force as may be absolutely necessary to insure success. Permit me, then, to suggest that in all cases where no discretion is given and in which there is possibility of conflict you address yourself to the Confederate Government, which, like the State government, is not so restricted.

I have the honor to be, very respectfully, your obedient servant,

J. M. WITHERS,
Major-General.

[Inclosure No. 3.]

OFFICE COMMANDANT OF CONSCRIPTS,
Montgomery, Ala., November 8, 1864.

Capt. JOHN C. BURCH,
Assistant Adjutant-General, Hdqrs. Reserves, Alabama:

Please inform me if paragraph V, General Orders, No. 11, is intended as a revocation of all certificates of exemption as State officers heretofore granted by the commandants of conscripts upon the certificate of His Excellency the Governor of Alabama, where such certificates are held by persons between the ages of seventeen and fifty years, and where the parties have been elected or appointed to such State offices since the 17th of February, 1864.

Very respectfully, your obedient servant,

H. C. LOCKHART,
Lieutenant-Colonel and Commandant.

[Inclosure No. 4.]

HEADQUARTERS RESERVES,
Montgomery, November 8, 1864.

Lieutenant-Colonel LOCKHART,
Commandant of Conscripts:

COLONEL: In response to your communication of this date inquiring as to the intention of paragraph V, General Orders, No. 11, issued from these headquarters, I am directed by the major-general commanding to say that the Secretary of War has decided that "all men between seventeen and fifty were enrolled by the act of 17th of February, 1864." He also decided in the case of Andrew J. Perry, from Lowndes County:

If this party has been elected a justice of the peace since the 17th of February he is not entitled to exemption.

From this you will perceive that certificates of exemption to persons between seventeen and fifty years of age claiming to be State officers who have been elected since February 17, 1864, are inoperative and void. They avail nothing to protect persons holding them from being put into the Confederate service.

Respectfully,

JNO. C. BURCH,
Assistant Adjutant-General.

RICHMOND, VA., *November 9, 1864.*

THE SENATE AND HOUSE OF REPRESENTATIVES:

I herewith transmit for your consideration a communication from the Secretary of War,* showing that a dangerous conspiracy exists in some of the counties of Southwestern Virginia and in the neighboring portions of North Carolina and Tennessee, which it is found impracticable to suppress by the ordinary course of law. The facts are so fully exhibited by the report and accompanying papers, herewith submitted, that I consider it unnecessary to repeat them or to do more than invite your early attention to disclosures upon which I deem it my duty to recommend the suspension of the writ of habeas corpus

*See p. 802.

in order that full efficacy may be given to the military power for the repression of the evil.

It may be proper here to add that after the expiration of the term for which the writ was suspended serious embarrassment was encountered, particularly at Mobile, Wilmington, and Richmond, on account of the inability of the military authorities to arrest and hold suspected persons against whom the testimony was sufficient to give full assurance that they were spies or holding treasonable communication with the enemy, though legal proof could not be adduced to secure their commitment and conviction by the courts either because of the character of the evidence or of the necessity for concealing the sources of information, which were not infrequently within the enemy's lines.

JEFFERSON DAVIS.

MONTGOMERY, *November 9, 1864.*

Hon. J. A. SEDDON,
Secretary of War:

Unless you interfere there will be a conflict between the Confederate and State authorities. Officers of the State cannot be conscribed without the consent of the State. I learn that your enrolling officers have instructions to enroll officers of the State who have been elected since the 17th of February, 1864. I deny such right and will resist it with all the forces of the State. The police officers of Selma have been enrolled by force. These officers are indispensable to the administration of the State government. General Withers says he has no discretion. An early reply requested.

T. H. WATTS,
Governor of Alabama.

RICHMOND, VA., *November 9, 1864.*

His Excellency Governor WILLIAM SMITH:

GOVERNOR: I have the honor to acknowledge the receipt of your letter of the 24th ultimo, covering a copy of the resolutions passed at a meeting of the Governors of Virginia, North Carolina, South Carolina, Georgia, Alabama, and Mississippi, held at Augusta, Ga., October 17, 1864,* and am,

Very respectfully and truly, yours,

JEFFERSON DAVIS.

RICHMOND, VA., *November 9, 1864.*

Maj. THOMAS HUDSON,
Commandant of Conscripts, Enterprise, Miss.:

MY DEAR SIR: I have received your letter of September 29, and found pleasure in complying with the request which it conveyed by assigning you to duty as commandant of conscripts for the State of Mississippi as well as of the camp at Enterprise. You need no assurance of my friendly interest in you, and I trust that the country will receive from your energy and zeal in this new position all the benefits which your past services entitle us to expect.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

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*See p. 785.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 10, 1864.

Governor T. H. WATTS,
Montgomery, Ala.:

Officers of the State of Alabama, certified by you to be necessary to State administration, are exempt. Officers of the police of Selma are, I suppose, not considered as State officers. Cannot the courts decide? I only wish to enforce the laws, and deprecate conflict with the authorities of the State.

J. A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., November 10, 1864.

Maj. GARNETT ANDREWS,
Asst. Adjt. Gen., General Gardner's Headquarters:

MAJOR: In reply to your application I am instructed by the Honorable Secretary of War to say that your original authority "to enlist a battalion of infantry from among the foreigners now prisoners of war at Millen, Andersonville, and other points in Georgia" is enlarged to the extent that you are now authorized to effect such enlistments among the same class of prisoners confined in any of the military prisons under the control of Brigadier-General Gardner.

Very respectfully, your obedient servant,
JNO. BLAIR HOGE,
Assistant Adjutant-General.

Judge Campbell wishes to see you with reference to an officer whom he recommends to be connected with your proposed organization.

J. B. H.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 12, 1864.

Brig. Gen. W. L. BRANDON,
Commanding Reserves of Mississippi, Enterprise, Miss.:

GENERAL: Your letter of the 19th ultimo, addressed to the Adjutant-General, has been referred to me. I regret seriously that any difference of opinion exists between the Governor of Mississippi and yourself in relation to the liability of men to military service under the laws of conscription, especially that which directs the organization of the reserves.

I deprecate any conflict with the State authorities on this or any other subject, but as head of this Department and an officer acting under Confederate authority I am bound to administer and enforce the acts of Congress according to their fair and just intendment. Those acts being, as I am bound to consider, and as I believe they undoubtedly are, constitutional, form a part of the supreme law of the land and are obligatory upon all, not less on the State authorities than those of the Confederacy. By those acts all persons of the military age prescribed are placed at once in the service of the Confederacy. They cannot, therefore, longer be the subjects of enrollment or enlistment for State troops. Doubt might exist in regard to the operation of the law upon such troops as had been previously constituted, in the language of the Constitution, troops of war by any State,

but none can arise as to those who had not been previously recruited or who were mere militia. All such, therefore, are liable to conscription, or to organization as reserves, according to their ages, and the plain duty is incumbent, both upon this Department and its officers, to proceed with all courtesy and respect, but with firmness, to execute the law. As far as I can perceive, the organizations formed by the Governor of Mississippi are purely those of militia. They cannot, therefore, present any claim for exemption from the operation of these laws, and however reluctant to contravene the views of the Governor, I see no alternative for the Department or yourself but to proceed to claim the members liable to service with the Army or the reserves. You will, of course, do this in a manner as conciliatory and respectful as may be compatible with the performance of duty, explaining to the Governor the construction placed by the Department upon the laws and your instructions in respect to them.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 271. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, November 14, 1864.

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II. The Thirtieth Georgia Battalion, Lieut. Col. Andrew Young, with the addition of the four companies raised under authority of the War Department where the conscript act could not be enforced, will constitute the Eleventh Regiment Georgia Cavalry.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., November 14, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I am here for a single day to attend to the business of my office, and shall return in the morning to the command in front of Atlanta. I was gratified to receive your letter* approving my course and policy in reference to the militia, and beg to say that nothing has been done or said to yield the claim of the Confederate Government upon the detailed men when the militia is not engaged in active service.

I am, very respectfully, yours, &c.,

HOWELL COBB,
Major-General, &c.

HEADQUARTERS,
Petersburg, November 14, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Brig. Gen. J. G. Martin, who has been on duty at Salisbury for some days, informs me from the inquiries he made he thinks 2,000

* October 31, p. 748.

or 3,000 foreigners now held there as prisoners of war could be enlisted in our service. He also states that authority for this purpose has been given to several persons by the War Department, and that the company officers are to be elected by the members of the company. If they are taken from among themselves I fear they may be neither effective nor reliable. How would it answer to organize these men into the Regular Army, with officers appointed by the President, and the whole under one good officer? The men could then be placed in camp, instructed, and disciplined. By the spring they would make a valuable addition to the Army. General Martin thinks that by proper management this force could be increased to 7,000 or 8,000. The subject is respectfully referred to you for consideration.

With great respect, your obedient servant,

R. E. LEE,
General.

HEADQUARTERS RESERVE FORCES, MISSISSIPPI,
Enterprise, November 15, 1864.

His Excellency President JEFFERSON DAVIS,
Richmond, Va.:

MR. PRESIDENT: I have the honor to bring a matter to your immediate attention, which I deem to be of the most vital importance at this crisis of our affairs. Early in September last Governor Clark, of this State, issued a proclamation calling for six-months' volunteers. As he did not restrict the officers, authorized by his order to raise these companies, to the militia, I addressed him a communication to know whether he proposed to admit the men of the military age or of the reserve classes into this organization of State volunteers. He answered, "I propose to receive volunteers for six months without regard to age," against which I protested and telegraphed his answer (a copy of which is inclosed, marked A) to the Department, and asked for instructions. I adopted this course, because I was unofficially informed by Judge Fisher, now a colonel of one of the State volunteer regiments, that the Governor had had a correspondence with the Honorable Secretary of War on the subject, and that he did not dissent from his right to take these men into his volunteer organization. Governor Clark reiterated nearly the same to me at a subsequent interview on the subject, viz: Though the Secretary did not concur, yet he made no objection to his right to the men of all ages. I brought the matter to the attention of Lieutenant-General Taylor, and he replied that he had said to Governor Clark it made no difference who got the men out, as they were to be assigned to the command of the officers of the C. S. Army in the field.

I dissented from the general's views and told him it had operated very prejudicially both to the business of conscription and the enrollment of the reserves. Previously to the Governor's action the men were enrolling themselves quite rapidly. Now force has to be used to compel them, and as all the organized regiments of cavalry of the reserves were at the front, the business of conscription and enrollment had in a great measure ceased.

This organization will undoubtedly be a weak one, for the reason that the men who were rushing into it were those who had skulked the service from the beginning of the war. They will not be amenable to the courts-martial of the C. S. Army, and their courts-martial would be composed of officers of same class, who would sympathize with the men, and their findings and execution of the sentences would

be a farce. Neither discipline nor good order could be preserved and the troops would be very inefficient, and I fear when they come to act against the enemy will disgrace both themselves and their State.

In opposition to the Governor's claim, I replied to him, the Constitution empowered the Congress to provide an army for the common defense. The States had accepted the act of conscription and it was now being carried into effect to provide and sustain such a force. If he was right in regard to his powers under the Constitution the Governors of the States could defeat the measure, and the Government of the Confederate States of America would be powerless to provide an army for the general defense, for the men liable to conscription or enrollment would go into the State service in preference to being enlisted into the general service. As an evidence of the truth of this they are now going into that organization, even after being enrolled by the conscript officers, instead of reporting to the camp of instruction. And it will be very difficult to get them out; to effect which I issued a general order to have every man reported who has taken this course, with the intention to assign them to the general service.

After having telegraphed the Department in regard to this matter I made a written report, forwarding with it copies of all papers to General Cooper and asking for instructions. Two months have now passed without my receiving instructions. Deeming it a matter of too much importance to be passed over, I have presumed on your indulgence to bring it to your immediate attention. I feel seriously embarrassed, for I fear it will operate a failure of my exertions to get the men in the field. I am anxious to do my whole duty in the position you have done me so much honor by placing me, and will carry out your instructions to the best of my abilities.

I have the honor to be, with great regard, your obedient servant,

W. L. BRANDON,
General, Comdg. Reserve Forces of the State of Mississippi.

[Indorsement.]

DECEMBER 10, 1864.

Secretary of War for perusal and remarks.

J. D.

[Inclosure.]

A.

MACON, *September 20, 1864.*

Brig. Gen. W. L. BRANDON,
Enterprise, Miss.:

GENERAL: The State of Mississippi has to defend herself in future. For this defense I propose to receive volunteers for six months without regard to age. If mustered into State service previous to enrollment or conscription, I have no doubt of my right to them as "troops of war" of the State.

I am, general, very respectfully,

CHAS. CLARK,
Governor of Mississippi.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 17, 1864.

General R. E. LEE,
Commanding Army of Northern Virginia:

GENERAL: I have the honor to acknowledge the receipt of your letter of the 14th instant, and to thank you for the suggestions con-

tained in it relative to the enlistments for our Army of the foreigners among the prisoners of war held by us. For some time past my attention has been attracted to that mode of recruiting, and I have given to officers supposed to be competent, in several instances, permits to raise battalions, directing them to prefer Irish and French, and to enlist no citizens of the United States. The latter, especially native born, I hold in great distrust. I preferred to form battalions to regiments, because I doubted the expediency of having so many of this material together as a regiment required.

While authorizing the formation of these few battalions as an experiment, I all the time preferred, and directed the officers of prisons to promote, general enlistments and the distribution of the men enlisted among the regiments of our different armies, selecting, as far as practicable, those which had been originally composed of foreign material. I have, too, authorized several officers, whose commands had been greatly depleted, to recruit for them from this source. Among others, General York, while wounded here, has obtained this permission and proposes to visit the prisons, taking with him one or more Catholic chaplains, whose influence, he thinks, may be profitably exercised upon those of the same religious persuasion. I shall be pleased to give similar authority to recruit to any officers in your army whom you may recommend, and who are willing in that way to replenish their commands.

You have, I believe, a Virginia battalion, originally composed of Irish, now greatly reduced by the casualties of service, which might, probably, in that way be re-established in numbers and efficiency. I have applied to Congress to give the power of appointing officers whenever new organizations are formed from such material. I presume this power will be granted to the Executive. In the absence of such power, with one battalion alone, first organized, I resorted to the form of an election, the men readily accepting and electing such officers as were presented to them; but I considered the precedent a bad one, and that it would be dangerous to allow such a privilege to continue, as in filling vacancies hereafter they might really exercise the privilege of selection for which they would be qualified neither by intelligence nor trustworthiness.

The suggestion made by you to enlist these men for the Regular Army will be submitted to the President; but as we have not the requisite officers of the Confederate Army, and serious objection is entertained to the permanent appointment of such officers during the war, I think it preferable to obtain, if practicable, the power of appointing from Congress, and to enlist for the Provisional Army.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *November 17, 1864.*

General A. R. WRIGHT and OTHERS,
Milledgeville, Ga.:

Yours of the 11th received, with copy of resolutions inclosed.* I had no previous knowledge of them. The first and second are truths often declared; the third, if fairly construed, is but the announcement of our theory of government, but under existing circumstances

* Neither letter nor inclosure found, but see résumé in Davis to Wright *et al.*, next, *post.*

its terms might suggest conclusions injurious to the recognition of the compact between the Confederate States. The rest are regarded by me as objectionable, if not dangerous. Will reply more fully by mail.

JEFFERSON DAVIS.

RICHMOND, VA., *November 17, 1864.*

The Honorable Senators of Georgia, Messrs. A. R. WRIGHT, T. L. GUERRY, J. M. CHAMBERS, THOMAS E. LLOYD, FRED. H. WEST, and RO. B. NISBET:

GENTLEMEN: I answered by telegram your letter of the 11th instant this morning, as requested, and now respectfully comply with your desire that I should express my views on the subject to which you invite my attention. In forwarding to me the resolutions introduced in the House of Representatives of Georgia by Mr. Stephens, of Hancock, you state that you are not inclined to favor the passage of these or any similar resolutions, believing them to have a tendency to create divisions among ourselves and to unite and strengthen our enemies, but that it is to assert in Milledgeville that I favor such action on the part of the States, and would be pleased to see Georgia cast her influence in that way. You are kind enough to say that if this be true, and that if the passage of these or similar resolutions would in the slightest degree aid or assist me in bringing the war to a successful and speedy close, you will give them your earnest and hearty support. I return you my cordial thanks for this expression of confidence, but assure you that there is no truth in the assertions which you mention, and I presume that you will already have seen by the closing part of my annual message, which must have reached you since the date of your letter, that I have not contemplated the use of any other agency in treating for peace than that established by the Constitution of the Confederate States. That agency seems to me to be well adapted to its purpose and free from the injurious consequences that would follow any other means that have been suggested.

The objection to separate State action which you present in your letter appears to be so conclusive as to admit no reply. The immediate and inevitable tendency of such distinct action by each State is to create discordant instead of united counsels; to suggest to our enemies the possibility of a dissolution of the Confederacy, and to encourage them by the spectacle of our divisions to more determined and united action against us. They would readily adopt the false idea that some of the States of the Confederacy are disposed to abandon their sister States and make separate terms of peace for themselves; and if such a suspicion, however unfounded, were once engendered among our own people, it would be destructive of that spirit of mutual confidence and support which forms our chief reliance for success in the maintenance of our cause.

When the proposal of separate State action was first mooted it appeared to me so impracticable, so void of any promise of good, that I gave no heed to the proposal; but upon its adoption by citizens whose position and ability give weight to the expression of their opinions, I was led to a serious consideration of the subject. My first impressions have not been changed by reflection.

If all the States of the two hostile federations are to meet in convention, it is plain that such a meeting can only take place after an agreement as to the time, place, and terms on which they are to meet.

Now, without discussing the minor, although not trifling, difficulties of agreeing as to time and place, it is certain that the States would never consent to a convention without a previous agreement as to the terms on which they were to meet. The proposed convention must meet on the basis either that no State should, against its own will, be bound by the decision of the convention, or that it should be so bound. But it is plain that an agreement on the basis that no State should be bound without its consent by the result of the deliberations, would be an abandonment on the part of the North of its pretended right of coercion; would be an absolute recognition of the independence of the several States of the Confederacy; would be, in a word, so complete a concession of the rightfulness of our cause that the most visionary cannot hope for such an agreement in advance of the meeting of a convention. The only other possible basis of meeting is that each State should agree beforehand to be bound by the decision of the convention, and such an agreement is but another form of submission to Northern dominion, as we well know that in such a convention we should be outnumbered nearly two to one. On the very threshold of the scheme proposed, therefore, we are met by an obstacle which cannot be removed. Is not the impracticable character of the project apparent?

You will observe that I leave entirely out of view the suggestion that a convention of all the States of both federations should be held by common consent without any previous understanding as to the effect of its decisions; should meet merely to debate and pass resolutions that are to bind no one. It is not supposed that this can really be the meaning attached to the proposal by those who are active in its support, although the resolutions to which you invite my attention declare that the function of such a convention would be simply to propose a plan of peace, with the consent of the two belligerents; or, in other words, to act as negotiators in treating for peace. This part of the scheme is not intelligible to me. If the convention is only held with the consent of the two belligerents, that consent cannot be obtained without negotiation. The plan then would resolve itself into a scheme that the two Governments should negotiate an agreement for the appointment of negotiators to make proposals for a treaty. It seems much more prompt and simple to negotiate for peace at once than to negotiate for the appointment of negotiators, who are to meet without power to do anything but make proposals.

If the Government of the United States is willing to make peace, it will treat for peace directly. If unwilling, it will refuse to consent to the convention of States. The author of these resolutions and those who concur in his views appear to me to commit the radical error of supposing that the obstacle to obtaining the peace which we all desire consists in the difficulty of finding proper agencies for negotiating, so that the whole scope of the resolutions ends in nothing but suggesting that if the enemy will treat, the best agency would be State delegates to a convention; whereas the whole and only obstacle is that the enemy will not treat at all, or entertain any other proposition than that we should submit to their yoke, acknowledge that we are criminals, and appeal to their mercy for pardon.

After this statement of objections it may appear superfluous to add others of less gravity, but as you invite a full expression of my views I will add that history is replete with instances of the interminable difficulties and delays which attend the attempt to negotiate on great

and conflicting interests when the parties to the negotiation are numerous. If this has been the case where the parties possessed full powers to conclude a treaty, what can we hope from an assemblage of negotiators from thirty or forty States who, in the midst of an exasperating warfare, are to meet without power to conclude anything? In the history of our own country we find that in a time of profound peace, when the most cordial brotherhood of sentiment existed, and when a long and bloody war had been brought to a triumphant close, it required two years to assemble a convention and bring its deliberations to an end, and another to procure the ratification of their labors. With such a war as the present in progress, the views of the large assemblage of negotiators proposed would undergo constant change, according to the vicissitudes of the struggle and the attempt to secure concordant views would soon be abandoned and leave the parties more embittered than ever—less hopeful of the possibility of successful negotiation.

Again, how is the difficulty resulting from the conflicting pretensions of the two belligerents in regard to several of the States to be overcome? Is it supposed that Virginia would enter into a convention with a delegation from what our enemies choose to term the "State of West Virginia," and thus recognize an insolent and violent dismemberment of her territory? Or would the United States consent that "West Virginia" should be deprived of her pretensions to equal rights after having formally admitted her as a State and allowed her to vote at a Presidential election? Who would send a delegation from Louisiana, Tennessee, Kentucky, Missouri? The enemy claims to hold the government of those States, while we assert them to be members of the Confederacy. Would delegates be received from both sides? If so, there would soon be a disruption of the convention. If delegates are received from neither side, then a number of the States most vitally interested in the result would remain unrepresented, and what value could be attached to the mere recommendations of a body of negotiators under such circumstances? Various other considerations suggest themselves, but enough has been said to justify my conclusion that the proposal of separate State action is unwise, impracticable, and offers no prospect of good to counterbalance its manifold injurious consequences to the cause of our country.

Very respectfully, yours,

JEFFERSON DAVIS.

[NOVEMBER 17, 1864.—For Cooper to Taylor, authorizing a call for the reserves to resist Sherman's army, see Series I, Vol. XLV, Part I, p. 1218.]

SUBSISTENCE DEPARTMENT,
Richmond, Va., November 17, 1864.

Maj. R. J. MOSES,
Chief Commissary of Subsistence:

MAJOR: Your letter of 4th instant has been received. The act of Congress of March 26, 1863, to regulate impressments (see General Orders, No. 37, 1863) made a discrimination between the owners who produced or raised the article which was the subject of impressment, or who held it for consumption, and those who held it for sale, in respect of the mode of ascertaining the price or just compensation to

be paid by the impressing officer. The first section of the act prescribes the manner in which the price to be paid to the owner of the first class shall be ascertained, viz, by appraisement made by persons appointed from the vicinage. The sixth section establishes a permanent board to fix rates at which the property held by the other class should be valued.

The act of April 27, 1863 (see General Orders, No. 53, 1863), authorized an appeal by the impressing officer from the decision of the appraisers to this permanent board. This act was adopted in consequence of the extravagant appraisement made by vicinage appraisers.

The supreme court of Georgia in the year 1863 declared that the schedule rates established by the permanent board did not furnish prima facie evidence of value, and set aside the impressments made under the sixth section of the act. Their opinion seemed to be that the value should be ascertained at the time of the appraisement of the particular article impressed.

The General Orders of the War Department (No. 161, 1863) will show that the Department yielded to the opinion of the supreme court, and allowed a vicinage appraisement in all cases. The principle of that order was incorporated into the act of Congress of 16th February last, published in General Orders, No. 30, of this year. That act allows the vicinage appraisement in all cases, and allows an appeal to the permanent board to be made by either party, and empowers the board to hear testimony as to value. The appointment of a board of appraisers for such a purpose is believed to be constitutional. That board is not confined to schedule rates in any case, but is to decide upon the question of value as an original question, and if requisite they can take testimony for the purpose of informing their judgment upon the matter.

I would call your attention particularly to the certificate to be used in the case of the approval or disapproval of the appraisement on the award of the appraisers. In case of disapproval the certificate should be, "This appraisement is not accepted as fair and just, but the same is objected to because the value assessed is excessive and affords more than a just compensation for the property, and therefore an appeal is made to the appraisers under the act of Congress of February 16, 1864." (See General Orders, No. 30, current series.)

This opinion of the state of the case is derived from the highest judicial authority in the Confederacy, and will, I think, warrant your making impressments in accordance with circular referred to below.

The question of appeal from the award of the vicinage appraisers is fully discussed in the circular,* of which a copy was forwarded to you with my last letter.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., November 19, 1864.

General R. E. LEE,
Commanding Army of Northern Virginia:

GENERAL: I am directed by the Honorable Secretary of War to write to you in reference to an organization for the negro force it is

* See September 5, p. 622.

proposed to employ as laborers with the armies of the Confederacy. After some reflection I have presented the following outline to the War Department, and I would now respectfully ask you to consider it, and propose such modifications and alterations as your greater experience and better judgment may dictate.

The unit of the organization to be a gang or working party of 100 negroes under a "manager," assisted by three "overseers," first, second, and third. Eight of these gangs to be placed under a "superintendent," forming a force 800 strong, corresponding to a battalion. Three of these to be under a "director," making a working party or body 2,400 strong; the entire force serving with an army to be under one, two, or more directors, according to the number employed, and the whole to be under the general supervision and control of the chief engineer of each army. This last feature is advised because the negroes can be employed as organizations in the construction of defenses, in repairing roads and bridges, and in doing much of the work appertaining to the pioneer; and for like reason the whole negro force called into service should be placed under the general supervision and direction of the Engineer Bureau.

The negroes required to serve as teamsters and in other work not connected with the engineer service will be detailed in such numbers as may be required, but their names will still be borne on the rolls of the gang to which they belong. This feature is thought to be important in order that there should be some one to look after the negroes and take an interest in their welfare at all times. It is expected this will be done by the "managers" and "overseers." For the supplying of the negroes with clothing, camp equipage, rations, &c., it is proposed that a "purveyor" be appointed for each working party under a "director" with three assistant purveyors, being one for each party under a "superintendent." The purveyor to be a bonded agent, and if necessary, the assistant purveyors to be bonded also. Perhaps quartermasters already in the service might be assigned to these duties. For medical service, one surgeon or physician for each superintendent; for keeping the records and issuing instructions it is proposed that two clerks be allowed to each director and one to each superintendent. It is expected to call into service as fast as possible the 20,000 male slaves authorized by the act of February, 1864 (see General Orders, No. 32, for 1864), and to have this service completed by the Bureau of Conscription. The negroes when collected under the provisions of this law to be placed under temporary managers or guards detailed from conscript camps or from the reserves, and when collected in gangs of 50 to 100 to be forwarded under their charge to the armies or stations to which they may be assigned, exact records to be kept by the enrolling officers of the negroes taken into service, embracing the information usual on muster-rolls with the addition of the name of owner; a proper list to accompany each gang when forwarded to service, from which regular muster-rolls can be prepared; and also descriptive lists when details are made for labor outside of the engineer service. When the gangs first arrive at the places where they are to be employed they should be attached temporarily to the engineer troops and put to work at once under the officers commanding these troops.

When the number amounts to 800 they should be formed into eight full gangs of 100 each, organized as hereinbefore indicated and placed under a superintendent. Thus the negroes will be useful as laborers from the moment they are delivered. That these laborers

when regularly organized may be systematically furnished with rations, clothing, and other necessaries, provision returns and requisitions will be prepared by the managers or overseers, whose certificates shall be considered of the same effect as those of company officers, and it will be the duty of the directors to examine and approve said requisitions, &c., and such approval will be the authority for the purveyors and assistant purveyors to make the issues called for. The manager will be made responsible for all property issued to the gang of 100 men under his charge. Field transportation to be furnished to these organizations of laborers in such quantity as the resources of the country will admit of. For the better regulation and efficiency of the labor as contemplated the chief engineer of each army should assign a field officer of engineer troops to inspect, supervise, and muster the organizations and to make assignments of working parties in such way and manner as may be ordered by the commanding general through his chief engineer, and it will be made the duty of the same field officer to see that details for labor outside of the engineer service be made promptly when ordered by the commanding general.

It is contemplated that the Quartermaster's Department should furnish clothing and other supplies usually provided by that department to this negro force; that the owners should be paid by this same department, and that the Commissary Department should furnish rations. It is proposed that this negro force be mustered as in case of troops, by the field officer appointed for that purpose, and duplicate muster-rolls forwarded through the chief engineer of the army to the Engineer Bureau. Pay-rolls to be prepared at the same time and forwarded through the chief quartermaster of the army to the Quartermaster-General, who at the expiration of each year shall send a suitable officer into each State to meet at certain convenient designated points all owners, who shall appear personally or by attorney, to receive payment for past services rendered by their slaves. In case of the loss of any negro by death, desertion, or otherwise, notice thereof shall be prepared in triplicate by the manager or overseer, showing the time and manner of his loss, to be forwarded through the chief engineer to the Engineer Bureau. This notice to be upon a simple and convenient printed form to be furnished by the Engineer Bureau; careful entries of such casualties to be made by the manager upon the muster-rolls of the gang. The managers and overseers should be selected as far as possible from the class of men accustomed to manage negroes on farms, plantations, and works of civil improvement. Careful measures should be taken, too, to look into the qualifications and past experience of each one, and this might be accomplished probably by assigning the duty to some engineer officers serving in each of the States; the officer for Virginia and North Carolina to be named by the chief engineer of your army. The officers for the coasts of South Carolina, Georgia, and Florida to be named by the chief engineer of General Hardee's department. The officers for the Division of the West to be named by the chief engineer of that division. Should these managers and overseers prove incompetent, power to be vested in the commanders of the respective armies to return them to duty with the reserves. If guilty of malfeasance or malpractice, they should be at once ordered into the ranks for general service.

Very respectfully, your obedient servant,

J. F. GILMER,

Major-General and Chief of Engineer Bureau.

[NOVEMBER 19, 1864.—For Hartridge, Echols, *et al.*, to the people of Georgia, urging that "every man fly to arms" to resist Sherman's army, see Series I, Vol. XLIV, p. 869.]

[NOVEMBER 19, 1864.—For proclamation of Governor Brown, ordering a levy en masse of white males between ages of sixteen and fifty-five years, see Series I, Vol. LIII, p. 375.]

WAR DEPARTMENT, NITER AND MINING BUREAU,
Richmond, November 20, 1864.

Col. I. M. ST. JOHN,
Chief of Bureau:

COLONEL: Your questions on the iron service are hereinafter replied to in their order:

First. What furnaces continue in blast in Virginia?

Eighteen furnaces remain in blast in Virginia, or rather have been able to get in blast at a late day, as follows: Marion Magnetic, Smyth County; Beauregard, Grey Eagle, Barren Springs, Wythe County; Lucy Selina (worked by Government), Rockbridge County; Boyd's Furnace, Botetourt County; Amherst, Amherst County; Estelino, Augusta County; Victoria, Louisa County; Roaring Run, Alleghany County; Union, Patrick County; Liberty, Shenandoah County; Westham (worked by Government), Henrico County; Catawba, Rebecca, Botetourt County; Glenwood, Rockbridge County; Australia, Alleghany County; Caroline (will suspend under Order 82), Shenandoah County.

Very few of these eighteen furnaces have been able, however, to make a full blast. The want of labor and subsistence and the movements of the enemy have operated to prevent work for some time at all of them except three, and one of them has been twice burned by the enemy. They have not averaged more than a half blast, and some of them must cease work unless the contractors are allowed greater facilities for securing supplies.

Second. What available furnaces are out of blast?

Thirteen furnaces are now out of blast, and for the following reasons: Mount Hope, Wythe County, want of labor and supplies; Graham's, Wythe County, want of labor and stock; California, Rockbridge, ore bank exhausted; Buena Vista, Rockbridge, burned by the enemy; Elizabeth, Augusta, burned by the enemy; Catharine, Spotsylvania, burned by the enemy; Mount Torry, Augusta, burned by the enemy; Columbia, Shenandoah, burned by the enemy (Order 82 would have suspended); Mount Vernon, Augusta, burned by the enemy (Order 82 would have suspended); Page Iron Works, Shenandoah, suspended by Order 82 after January 1, 1865. Three of these thirteen could not work for lack of labor, and three had to suspend under General Orders, No. 82. Also the Caroline furnace, though still in blast, will soon suspend under this order, a few men being only left to work up the stock on hand. The Elizabeth, Grace, Cloverdale, Mount Torry, Buena Vista, and Catharine are being rebuilt, and if labor can be secured will probably work next year.

Third. What plan is adopted under order of chief of Bureau for the inspection of the furnaces?

The district superintendents are required to send from each furnace, if possible, a semi-monthly, but certainly a monthly, report of the following character:

Furnace report to ——.

Name of works.	In or out of blast.	Tons.			Quality.	Week's stock on hand.	Force.				Remarks, &c.
		Per day.	At furnace.	Hauled and ready to ship.			Subject to military duty.	Exempt.	Negroes.	Total.	

In addition to these reports an inspecting officer of special qualifications goes from furnace to furnace, as time will allow, and reports directly to the chief of Bureau upon the general management of the furnaces, their condition, and prospects.

Fourth. Compare furnace results in Virginia and Alabama, and state why at this late day the Alabama system of large furnaces cannot be applied in Virginia, giving instances of the scarcity of ore.

The Alabama furnaces have probably attained a higher daily yield than those in Virginia. In one case the Government furnace in Bibb County, Ala., averaged through the month thirteen tons of iron per day, and at another furnace I think an average of ten tons per day was attained for one month. Still, the difference of yield has not been so great as these cases would indicate. From many disturbing causes incident to war much time has been lost at the Alabama furnaces, and the daily average would scarcely exceed, if equal, four tons per day, which most of the Virginia furnaces aim to reach for such time as they can secure stock to keep in blast. The Alabama iron region is new, and all the furnace localities abound with ore and fuel, and private enterprise, aided in most cases by the Government, availing itself of modern information, has erected large and improved furnaces where fuel, ore, and subsistence are very abundant. The Virginia mineral region, on the other hand, has been worked for many years, and most of its furnaces are old, and hence small; but having been worked so long, fuel has become alarmingly scarce, and many furnaces have a most precarious supply of ore, this article being frequently hauled for miles in wagons—in one case as far as ten miles. Two of the largest furnaces in the State have been idle a long time for want of ore, the banks from which they have heretofore been supplied, and which were considered inexhaustible, having very suddenly given out. It is very doubtful whether the Westham Furnace can be continued in blast, for up to this time no ore bank has been found on the line of the canal which will supply the necessary ore. There are few, if any, mineral veins in Virginia, nearly all of its ores existing in pockets or detailed masses, the size and extent of which can only be ascertained by actual experiment; hence all mining is very precarious. Ore banks pronounced by the most experienced miners to be boundless have given out after a few months' work.

When ore happens to be abundant the wood has been nearly all cut, and no situation is now known to me in this State where stock—meaning fuel and ore—could be procured for a furnace to make ten tons of iron per day. But were the case otherwise, it would be impossible to maintain the force required for so large a furnace. Each furnace depends upon its own locality for supplies of bread and meat and forage, it being almost impossible to bring them from a distance in the present state of transportation, and no one neighborhood could support so large a force. The small furnaces find it extremely difficult to feed their laborers. If fuel, ore, and food were as convenient and abundant as in Alabama, the large furnace system would even now be adopted; but the scarcity of all these is thought to render it impracticable entirely. The present small furnaces of Virginia would afford an ample supply of iron if the service was placed upon a proper footing, as will be indicated below.

Fifth. State the working of the present plan of contracting for partial yield of furnace.

This plan has been found most advantageous in that while it secures to the Government one-half of all iron made at a very moderate price, it offers to contractors a great stimulus for the largest possible yield. It was absolutely essential that some iron should be put on the market to supply agricultural and other interests. The plan now pursued gives the Government one-half of all iron made at a price not much, if at all, above cost, and a preference over all other purchasers for the remaining half.

Sixth. State what essentials of labor, stock, and supplies must be demanded to guarantee a supply of iron for the next year.

The iron force was much too small before one-fifth of the men were taken away under General Orders, No. 82. These men must be replaced and an addition of 300 men fully be made to the previous force, with an increase of from 100 to 150 horses or mules. Should this labor be furnished promptly, and the service placed upon a proper footing before all army officers, but little apprehension need be felt for the iron supply, for all difficulties of fuel and ore will in that event be overcome. But it is absolutely essential that the iron masters shall have more support from the Government than heretofore. The manufacture of pig-iron in Virginia was a very hazardous enterprise, even before the war, and but two men are known to me who ever met with success. All the difficulties have been much increased by the war, and the much greater difficulty of securing supplies added to them. But all these could have been overcome if the iron masters had been properly protected against the interference of Government officers. Ample general orders exist on this subject, but they are not respected, and it has never been found possible to have any officer punished for their violation. It will suffice to mention one notable case where a quartermaster, Captain Hoof, of General Rosser's brigade, not only impressed supplies from the contractors, but from the Government furnaces, thereby causing the actual starvation of some of the furnace mules, and making it necessary to hire out the furnace labor to prevent a similar result. On hearing the facts the Secretary of War immediately ordered Captain Hoof to be relieved from duty and to report in Richmond, but this order, now some nine months old, has never been obeyed, and Captain H. remains on his original duty. The iron master is a necessity, and should be cherished as such, and allowed the same facilities for securing subsistence and forage as are enjoyed by commissaries and quartermasters; and

his supplies once secured should not be touched for any other purpose. Unless this encouragement and protection is afforded the contractors will become disheartened and give up. They cannot possibly carry on their operations under the present system of protection, which exists only on paper.

Very respectfully, yours,

RICHARD MORTON,
Lieutenant-Colonel.

[Indorsement.]

NITER AND MINING BUREAU,
Richmond, Va., November 21, 1864.

Respectfully submitted to the Secretary of War in connection with views already presented. Especial attention is requested to the suspension of thirteen furnaces in Virginia, and to the cause of that suspension. For further information the officer directly in charge is directed (in handing this paper) to be prepared to answer all questions.

I. M. ST. JOHN,
Colonel and Chief of Bureau.

GENERAL ORDERS, No. 84. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., November 21, 1864.*

* * * * * * *

IV. Detailed soldiers will not be transferred by officers with whom they are upon duty to other officers without authority from this office or from the general commanding the army to which the soldiers belong. Detailed conscripts will be transferred only by the authority of the chief of the Bureau of Conscription.

V. The telegraph will be used as economically as possible, and messages will not be sent by it without the approval of the commanding officer present. Where the telegram exceeds ten words, the voucher for its payment must embrace in his certificate that it was not for the personal benefit of the person by whom it was sent, and that it was necessary, and contained official business which could not be transacted by mail without detriment to the public service.

VI. Supplies collected or held by county or district agents for the benefit of soldiers' families are not liable to impressment.

VII. Paragraph XIII, General Orders, No. 34, current series, is amended to allow all retired soldiers who may enter any university, college, or school to draw their rations in kind at the nearest post.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *November 21, 1864.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 8th instant I herewith transmit a communication from the Secretary of War, which conveys the information requested relative to the act of June 14, 1864, "to provide and organize a general staff."

The seventh section of the act invests the Executive with the discretion which has been exercised. The eighth section, by restricting appointments, indicates the course which has been pursued in the attempt to ascertain with accuracy the number of officers in the several staff corps, so as to distribute them in accordance with the order from the Adjutant-General's Office, a copy of which is annexed, as well as to ascertain whether there are not supernumerary staff officers now in commission who should be discharged.

JEFFERSON DAVIS.

[Inclosure No. 1.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, November 17, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received a copy of the following resolution, adopted by the House of Representatives on the 8th instant, and referred by Your Excellency to this Department:

Resolved, That the President be respectfully requested to inform the House whether any appointments have been made under the act entitled "An act to provide and organize a general staff for the armies in the field to serve during the war," approved June 14, 1864, and if not, why have not such appointments been made in pursuance of said act.

In response, I have the honor to inclose herewith a letter from the Adjutant-General, reporting that no appointments have been made under the act referred to. In addition to the explanation afforded by that report, showing the discretion vested in you by the act and the adequacy of previous regulations to meet the necessity of a staff organization, it may not be improper to advert to the fact that soon after the adjournment of Congress your attention was called by the chairman of the Military Committee of the Senate to the serious inconveniences which might result from the promotion of certain officers of the staff contemplated by that act, and the suggestion made that, in regard to them at least, it might be better not to enforce the law, as additional legislation would probably be attempted at the next session. This circumstance, it is believed, contributed to guide the discretion exercised under the act in not enforcing the same, as inconveniences would naturally have resulted from giving the rank contemplated to some portion of the staff and withholding it from others.

Very respectfully,

JAMES A. SEDDON,
Secretary of War.

[Sub-inclosure.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., November 15, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to acknowledge receipt of communication from His Excellency the President, referred to me for report, containing copy of a resolution of the House of Representatives dated the 8th instant, and in these words:

Resolved, That the President be respectfully requested to inform this House whether any appointments have been made under the act entitled "An act to provide and organize a general staff for the armies in the field to serve during the war," approved 14th June, 1864, and if not, why have not such appointments been made in pursuance of said act.

In accordance with your instructions I have the honor to report that no appointments have been made under the act above recited.

The seventh section of the act is in these words:

The President is hereby authorized to reduce the number of officers authorized by this act to the staff of any general officer, or to increase the same when, in his opinion, the service will be benefited thereby.

On the 29th of April, 1864, prior to the passage of the act, the President caused to be issued from this office General Orders, No. 44 (a copy of which is inclosed),* prescribing the number of staff officers, not to exceed certain grades, which he deemed necessary to the several commands in the field. These orders have not been revoked, the President having, I presume, availed himself of the authority conferred in the seventh section of the act not to increase the number and rank of staff officers beyond the provisions of the orders. To carry out these orders the legislation prior to the act of the 14th of June is sufficient.

Permit me to add that I have heard no complaint from any quarter that the number and rank of the staff officers provided for by general orders are not sufficient for all the purposes of commands in the field.

I have the honor to be, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

[Inclosure No. 2.]

RICHMOND, *June 15, 1864.*

His Excellency the PRESIDENT:

DEAR SIR: In considering the recent acts of Congress in regard to the Quartermaster's and Commissary Departments and the general staff bill, I think it is to be regretted that it was not provided in both these measures that the President might, if he thought proper, make all appointments above the rank of major with temporary rank only.

The appointment of quartermasters with the rank of colonel will, as the department is now organized, cause them to rank every officer in the department except one or two. In the Commissary Department they will rank all but one. This should be avoided if possible, as it would be a great injustice to many valuable and meritorious officers.

I think we can remedy it at the next session of Congress, and I take the liberty of recommending that these appointments may be delayed until this fault in these measures can be corrected.

As you are authorized to assign officers to these positions, I cannot see that the public interest can suffer by adopting this course.

Very respectfully, your friend,

EDWARD SPARROW.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
APPOINTMENT BUREAU,
November 12, 1864.

Official copy.

ED. A. PALFREY,
Lieutenant-Colonel and Assistant Adjutant-General.

On the above were the following indorsements:

Secretary of War for attention and remarks.

J. D.

* Omitted, but see p. 352.

JUNE 23, 1864.

Respectfully returned to the President.

The suggestions of Mr. Sparrow, especially in view of his position as chairman of the Military Committee of the Senate, are entitled to weight. Some grave inconveniences will certainly result from the increase in rank required by the staff bill, and if assurance can be felt that the amendment proposed will meet the approval of the Congress at its next session it would be expedient to fill the positions for the present by assignment and abstain from increasing rank permanently, as proposed by the act.

J. A. SEDDON,
Secretary.

JUNE 25, 1864.

Adjutant-General for future reference, &c.

J. D.

JUNE 28, 1864.

File for future reference and keeping the subject in mind, with the understanding that no action will be taken on the general staff bill of June 14, 1864, without special instructions.

S. C.

NOVEMBER 15, 1864.

This copy of original paper on file in this office is respectfully submitted to the Secretary of War, in connection with communication of this date in relation to the general staff act of June 14, 1864.

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 276. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, November 21, 1864.*

* * * * * * *

V. The seven Louisiana companies now serving in the organization known as Powers' Regiment of Cavalry are hereby organized into a battalion, to be known as the Eighteenth Louisiana Battalion Cavalry.

VI. The three Mississippi companies now serving in the organization known as Powers' Regiment of Cavalry are hereby organized into a battalion, to be known as the Twenty-third Mississippi Battalion Cavalry.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
Petersburg, November 21, 1864.

Maj. Gen. J. F. GILMER,
Chief of Engineer Bureau:

GENERAL: Your letter of the 19th instant with regard to the organization of the negro laborers to be attached to the armies of the Confederacy under the act of Congress of 17th of February, 1864, has

been received. Upon the examination of your plan in all its details I think that it is perhaps the best which can be adopted. I do not know that three overseers will be necessary in addition to one manager for each "gang" of 100 men. Would not two be enough? When the negroes arrive in the army and are temporarily attached, as recommended, to the working parties already organized, I think they should be organized into a gang as soon as they reach 100 in number, instead of waiting until 800 are collected, as is suggested. Too much care cannot be taken in the selection of the directors, superintendents, and managers. They should be men of probity, energy, and intelligence. Every precaution should be taken to insure proper and kind treatment of the negroes and to render them contented in the service. The code of punishments should be distinctly defined, and the graver punishments should not be left in the hands of the managers and overseers without due reference to the directors and superintendents. There should be a system of rewards, too, for good conduct and industry, these rewards to be paid to the meritorious over and above the hire paid to their masters. Most of the negroes are accustomed to something of this sort on the plantations. Foremen could be selected from among those who exhibit the best qualifications and character, who would correspond to non-commissioned officers in our military organizations. These would aid materially in promoting the efficiency of the organization and might receive extra wages as a reward and encouragement.

I hope steps will be taken to put the act into execution at once. We are in great need.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[First indorsement.]

ENGINEER BUREAU,
November 25, 1864.

Respectfully submitted to Honorable Secretary of War, asking attention to the modifications in the organization of labor as suggested by General Lee.

As the number of overseers to 100 negroes can be more easily increased than diminished should the service require a change, I would advise two overseers instead of three, in addition to the manager.

Attention is asked to the suggestion of General Lee that the negroes be organized as soon as 100 are received, instead of waiting until 800 are collected. I concur fully in his views that great care should be taken in the selection of directors, superintendents, and managers, and that kind treatment should be secured to the negroes; that a code of punishment should be distinctly defined, and that the severer punishments should not be left in the hands of managers and overseers, without any reference to the directors and superintendents; that there should be a system of rewards for good conduct and industry, and that foremen should be selected from among the negroes who exhibit the best qualifications and character, who would correspond to non-commissioned officers. Extra pay should be allowed to such foremen as a reward and encouragement.

I would respectfully recommend to the Honorable Secretary of War that he urge upon the chief of Bureau of Conscription the importance of carrying forward as rapidly as possible the impressment of

the 20,000 slaves authorized by law and heretofore ordered to be impressed; that the same be sent in convenient gangs under proper guards to the armies in the field, to be attached temporarily to the engineer troops serving with the same, and to the harbors of Wilmington, Charleston, Savannah, and Mobile. to be employed on the coast defenses, strict care being taken as to preserving accurate records, as suggested in my letter to General Lee.

J. F. GILMER,
Major-General and Chief Engineer of Bureau.

[Second indorsement.]

NOVEMBER 26, 1864.

ADJUTANT-GENERAL:

General Gilmer's indorsement is approved. Have order in conformity with the arrangement proposed prepared and submitted. General Gilmer will aid Colonel Clay in its preparation if desired.

J. A. S.,
Secretary.

RICHMOND, VA., *November 21, 1864.*

Vice-President STEPHENS,
Crawfordville, Ga.:

SIR: In the Augusta Constitutionalist, communicated by yourself, I find published a letter addressed by you to Hon. Thomas J. Semmes, C. S. Senate, in which is contained the following passage:

I know there are many persons amongst us, whose opinions are entitled to high consideration, who do not agree with me on the question of McClellan's election. They prefer Lincoln to McClellan. Perhaps the President belongs to that class. Judging from his acts, I should think that he did.

Your public station gives importance to the statement, and the possible effect upon those Northern men who desire to terminate the war, and who supported the election of McClellan, is too obvious to require comment. I am quite at a loss to imagine the basis for your conclusion, and have therefore to ask to what acts of mine you refer.

Very respectfully, yours,

JEFFERSON DAVIS.

SPECIAL ORDERS, No. 277. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, November 22, 1864.

* * * * * * *

II. Company D, Thirty-fifth Battalion Virginia Cavalry, is hereby disbanded. The members of this company are permitted to join such other companies of the battalion as they may select; but failing to make such selection, they will be promptly distributed among the other companies of the battalion by the brigadier-general commanding.

III. The First Battalion North Carolina Reserves, with the unattached company commanded by Capt. W. R. Williams, which is hereby added thereto, will constitute the Second Regiment North Carolina Reserves.

IV. The ten companies comprising the Fourth, Seventh, and Eighth Battalions of North Carolina Reserves, as organized under the orders of Lieutenant-General Holmes, will constitute the Third Regiment North Carolina Reserves.

V. The organization of the Eighth Battalion of North Carolina Reserves (Millard's), consisting of three companies, is hereby recognized and made the action of the War Department. It will hereafter be designated as the First Battalion North Carolina Reserves.

* * * * * * *

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

[NOVEMBER 23, 1864.—For Maury to Watts and Clark, calling for State troops from Alabama and Mississippi to defend Mobile, &c., see Series I, Vol. XLV, Part I, p. 1241.]

[NOVEMBER 23, 1864.—For Davis to Bragg, in regard to the suspension of the law restricting reserve troops to service within their State, see Series I, Vol. XLII, Part III, p. 1226.]

OFFICE COMMISSIONER OF TAXES,
Richmond, November 23, 1864.

Hon. G. A. TRENHOLM,
Secretary of the Treasury:

SIR: The accompanying letter from Hon. L. J. Dupré has been referred to this office by you for consideration and remarks.* It is hardly expected that I should travel out of the legitimate sphere of my duties to discuss that portion of the letter referring to matters under another and independent department of the Government, and I shall, therefore, confine my remarks strictly to the subject of taxation. The complaints of Mr. Dupré in discussing this question are of a twofold character, embracing the alleged inadequacy of the laws in force for the relief of his constituents and the manner of their execution by the local tax officers. The only power to correct the first is the Congress of the Confederate States, of which he is himself a member. I shall, therefore, confine my remarks to the subject of the execution of those laws (and their proper interpretation) which have been enacted for the benefit of taxpayers situated as those whom he represents are. I venture to assert that there are many districts in other States of the Confederacy that have suffered as much as those to which he refers. These would be alike entitled to all the benefits and immunities secured to them by the acts of Congress. Memorials have been received from various districts in Mississippi, North Carolina, and Virginia, praying to be relieved from the payment of taxes on account of the ravages of the enemy. There seems to be an erroneous opinion entertained upon this subject, which I have on various occasions endeavored to correct. Those who have lost property by the enemy, in many cases, seem to think that for that reason the law intends they shall be relieved from taxation upon what they have left, and here is the error.

The act to "lay additional taxes," &c., approved 17th of February, 1864, imposes a tax of 5 per cent. upon all property, real, personal,

* Dupré's letter not found.

and mixed, of every kind and description and not exempted or taxed at a different rate. This is an ad valorem tax on property and not a personal tax on the owner, and when Congress inserted the provision for the relief of those whose property had been injured or destroyed by the enemy, it was not the intention to remit the tax on that which remains. The language of the law is that the assessment on property injured or destroyed may be reduced in proportion to the damage sustained; that is, if a tax-payer on the 17th of February owned twenty slaves worth $10,000 and a tract of land worth $10,000, and since that time the enemy have stolen ten of his slaves and damaged his plantation $5,000, only the remaining ten slaves shall be assessed at $5,000 and the value of the land shall be reduced to the extent of the damage, which will reduce the assessment to $5,000. This seems to be the true intent of the law.

But Mr. Dupré complains that the assessors in the section referred to make no discrimination in the value of slaves there and in the more favored portions of the State. The law does not authorize any distinction. A slave has, in the eye of the law, an intrinsic value whether productive of profit or expense to the owner; but under the act of Congress the assessor has no power to deviate from the basis thereby established. The law says slaves (unless purchased since 1st of January, 1862) shall be assessed upon the basis of 1860. This applies as well to the invaded districts as to the others, unless there is some special law authorizing a reduction in such cases.

It has been contended, and this seems to be the import of Mr. Dupré's observations on this point, that under paragraph IV, act of 17th of February, where a tax-payer has been deprived of the "use" of his slave by reason of the presence or proximity of the enemy, though still in his possession and under his control, his value is to be assessed according to his present use or state of unprofitableness instead of the rate of his market value in 1860.

Such, I think, was not the intention of Congress, nor is the language of the act susceptible of such construction. There is very little doubt that the word "property," in its legal signification, is technically more applicable to personalty than to realty. The best and most exact law writers speak of "real estate" and "personal property." It may be admitted that the word "property" in the paragraph referred to may have been intended to cover both realty and personalty, yet the context shows that the main idea in the minds of the legislators seems to have reference to real estate only. Hence the use of the words "injured or destroyed by the enemy, or the owner deprived of the use or occupancy thereof or the means of cultivating the same," &c. I think nothing can be clearer than that Congress never intended to tax any property that was in the occupancy or possession of the enemy; therefore the word "destroyed" has been construed to embrace slaves and other personalty taken and carried away by the enemy. But it doubtless occurred to Congress that certain lands, by reason of the "presence or proximity of the enemy," could not be safely "occupied" or "cultivated," and as the "lands" could not be removed and might be seriously "injured" and the fences and houses thereon "destroyed," it became necessary to make a provision in their favor. But as to slaves there is no such reason. They may be removed, and their intrinsic value will be as great after such removal as that of the slaves of persons securely remote from immediate danger. The owner would still have the "use" of such slaves absolutely. They may not be as profitable to him, but the act never intended to

measure the value of the slaves in the actual possession of their owners by their profitableness or unprofitableness to them in 1864. The rule prescribed is exactly the reverse, to wit, "the market value in 1860," and not their available profit in 1864. It will not do for the owner to keep his slaves or other personal property in near proximity to the enemy and claim on that account that the assessment on such property should be reduced from the standard value of 1860, when the present value is so much enhanced, when the owner still has the "use" of them, and when in some instances the very risk is incurred for the reason that such slaves or other personalty are more profitable to him in such exposed locality than they have ever been at any time. It is the duty of assessors under the law to ascertain and determine what similar slaves to those to be valued were worth in 1860, and when they have so ascertained that must be the standard of valuation.

They have no authority to deviate from it as to the means of arriving at the facts by which they are to be governed; it is for them to adopt the best that they can under the circumstances. By way of establishing uniformity and securing equality among all the property holders in any particular State, State collectors were advised to ascertain from the best information that could be had the average value of slaves between certain ages in 1860, and to adopt a schedule of prices to correspond therewith, to be varied according to circumstances, which should be a guide for assessors throughout the State. This, as is shown by experience, is the fairest, most equitable, and most satisfactory mode of assessment. Yet this schedule was not mandatory, but merely advisory. It was thought that inasmuch as the district collector has express power under the assessment act to supervise and correct the assessments of his assessors, it was no stretch of power for the State collector, through him, to propose a schedule of values in advance for the guidance of the assessors, which they themselves might from time to time prove to be correct by reference to the same sources of information resorted to by the State collector, to wit, tax returns and other public records. Under this rule the values of slaves in 1860 were ascertained and a schedule of those values furnished to the assessors, which has universally, I believe, been adopted by them in all parts of the same State. If any assessor were to disregard this schedule and assess slaves at a lower rate, it would not only be the right but the duty of the collector, if he was convinced that the schedule was the proper standard, to notify the tax-payer and proceed to raise the assessments to the proper standard. The mode adopted avoids all this trouble and secures uniformity of valuation throughout the State.

Under existing laws, therefore, it is the duty of the State collector of Louisiana and every other State to enforce the laws in every district where it is practicable to do so, including those districts which have been invaded and those which have not, and it is equally the duty of local officers, assessors, and collectors to execute the laws according to the instructions prescribed by competent authority under those laws. In doing so they should duly observe and respect the rights of tax-payers under the law, and should not execute their duties harshly or offensively, but firmly. So far as the collection of a money tax is concerned these officers have nothing to do with property taken by impressment, whether paid for or not. They have no authority to settle claims or to allow them as an offset against taxes. It is their simple duty to ascertain what sum each person owes as

taxes and then to collect it and pay it over to the State collector as prescribed by law. This applies to all districts alike, where it is practicable to execute the law.

Mr. Dupré desires you to suggest a plan for the relief of his constituents by Congress. It would be difficult for me to suggest a plan that would meet his wishes unless it were to pass an act exempting the whole district (where it had been so invaded) from the payment of taxes. But this would not be just, because there are persons in most of these districts who have really never been injured or damaged, but who have prospered and made large sums of money. Then it would be difficult to say what districts should be so exempted and what extent of damage should entitle them to it.

Another plan might be adopted, if Congress believes that a man should be exempted from taxes because he lost property by the enemy, and that is to allow the tax-payer to deduct his damages from his tax and not from the assessment.

I cannot conscientiously recommend such a measure, however. I think the exemption clauses of the law are very liberal and are sufficient for the relief of the poorer classes, and that when a tax-payer does not fall within either of those classes he should pay his due portion of the public burdens upon the property he has left. I could not suggest a more appropriate law than the one now in force, relieving the tax-payer entirely from taxation upon property destroyed or carried away, and providing for the reduction of the value of that which has been injured or damaged by the enemy to the extent of the damage.

Thousands have suffered by the depredations of the enemy, and they are entitled to the sympathies of all good men; and thousands more are destined to suffer, no doubt, from the same cause if the war should continue long. In that event localities now secure and that have never been visited will be overrun and desolated by the enemy. The time may come when but few localities will be exempt from their visitations. Already the fairest portions of Georgia have been overrun, and at this time Sherman's track of desolation is being extended toward the sea-board. In time it may be that there will be comparatively few men of property who have not been damaged, and a measure allowing a deduction from their taxes of all who have been so damaged to the extent of the damage would reduce the revenue from taxation to a pitiful sum.

I think that while taxes are laid as a means of supporting the Government that all should be required to pay their proportion, according to the property they possess. If a man owns fifty negroes and has lost twenty-five of them by the enemy I see no good reason why he should not pay tax upon the remaining twenty-five. If he has lost his lands, stock, &c., and has no money to pay the taxes, he can sell a portion of the negroes to pay them. Such a man is unfortunate, but not so much so as thousands of others who have lost all they had.

Viewed as a matter of public policy, I think that the taxes should be collected in every district where it is practicable from those who are liable. Where taxes are collected the people must have currency to pay them and by that means it circulates. But in some districts, even where a large majority of the people are loyal and true to our Government but so contiguous to the lines of the enemy as to render it impracticable to put the law in operation, it is found that our currency scarcely circulates at all. This I am told is the case in some of the northern counties in this State, and it certainly exercises

a damaging influence upon our cause. Therefore I could not recommend a measure that would exempt whole districts from the operation of the tax laws, thereby stopping the circulation of our currency in such localities and holding out the temptation to their citizens to adopt that of the enemy.

The foregoing are my views frankly expressed, but it is the peculiar privilege and province of Congress to adopt such measures in the premises as they may deem meet and proper.

Respectfully submitted.

T. ALLAN,
Commissioner.

HARRISONBURG, *November 23, 1864.*

Hon. JOHN B. BALDWIN:

DEAR SIR: We regret exceedingly to trouble you so much with our county matters, but the direst necessity of our people impels us to trespass upon your kindness. You will remember that Order 77 was suspended in this county, and the enrolling officer, with the county court, directed to inquire and report the ravages of the enemy and the names of the greatest sufferers liable to military duty. This, with great care and accuracy, was done, showing a ruin and devastation appalling and unparalleled; showing that with an equal distribution of every article of food for man and beast that there was barely enough left in the county to sustain life. Since that time the army agents and officers have been foraging, impressing, and hauling off a portion of the scanty subsistence left, until our people are almost reduced to beggary, especially the poorer clases (always the most numerous), who relied upon the produce for supplies. The order suspending Order No. 77 has been revoked, and all liable under that order are ordered to report here on the 29th instant.

If this order remain in force no man who has not lived in the midst of famine, disease, and death can foresee the consequences to our people. The suspending order directed the names of the greatest sufferers to be given, as if it intended relief to them; but none comes. Many who are liable are without a pound of meat, bread, or anything to live on, to say nothing of firewood and other outside necessaries of life. It may be said the brief space given them was sufficient. Not so; the scarcity of every article prevents even the wealthy from laying in a supply in a brief period. On the contrary, it will require the daily and hourly exertions of the poor and those who have been burnt out to procure a scanty subsistence to sustain life during the winter. We are deeply impressed with the conviction that if the call is insisted upon it will result in no material advantage to the Government. When the soldier now in the Army learns that his neighbor on whom his family have leaned for support during all this war is himself called into service and his family (his wife and little children at home) are sure to suffer, he will become uneasy in his place, and will weigh the duty he owes his country and then weigh the duty he owes his family, and what the promptings of nature would be is not difficult to determine.

We know the Government needs men or it would not call them. We believe it is prompted by a high sense of duty to the country; yet we feel sure if it could see our once fair county, then teeming with its abundance, now almost "a howling wilderness," it would not call for another man from its borders. We have no slave labor, and

this call takes our principal working force. What is to become of a corn crop? What is to become of any spring crop?

We believe it humanity to the people and the best interest of the Government to suspend this call indefinitely. We believe that all embraced in that order ought to be permitted to remain at home, and those who are liable and have not suffered and are able ought to be required to aid the family of the veteran soldier now in the field, thus making him cheerful and happy in the discharge of his duty.

We write you this with the hope that you may, through the Secretary of War or other authority, take action to suit our wants. If that fail, we submit to your superior knowledge the propriety of Congressional action.

Yours, truly,

WM. McK. WARTMANN.
JOHN T. HARRIS.

[First indorsement.]

This letter from the presiding justice of Rockingham County and Hon. John T. Harris, one of the delegates in the General Assembly from that county, is respectfully submitted for the consideration of the Secretary of War. I can add nothing to what has so often been said by me and reported by the enrolling officer as to the dreadful condition of affairs in that county.

JOHN B. BALDWIN.

[Second indorsement.]

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
November 25, 1864.

Respectfully returned.

General Orders, No. 77, were suspended in Rockingham (as Hon. Mr. Baldwin will remember) to allow the people of that ravaged county to make the best provision they could for the winter, before being sent to the field, and not with any express or implied view of exempting them from service. I trust the Secretary of War may authorize relief to be granted in extreme cases, but I have no further authority in the premises.

J. L. KEMPER,
Major-General.

[Third indorsement.]

NOVEMBER 29, 1864.

Instructions have been given the Conscript Bureau which will extend such relief as can be afforded in individual cases. General exemption cannot be allowed. The exigencies of the service are paramount.

J. A. S.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 24, 1864.

Maj. E. B. BRIGGS,
Georgia Militia, Columbus, Ga.:

SIR: Your letter of the 12th instant asking authority to raise a regiment of colored troops, should Congress authorize their formation, has been received. In reply you are informed that it is not probable that any such policy will be prescribed by Congress, and the Department is not prepared to consider such applications.

Respectfully,

JAMES A. SEDDON,
Secretary of War

[NOVEMBER 24, 1864.—For Maury to Clark, requesting call of State militia to re-enforce General Gardner, see Series I, Vol. XLV, Part I, p. 1244.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 24, 1864.

General GILBERT S. MEEM,
Shenandoah County, Va.:

SIR: The memorial of the justices of Shenandoah County, submitted by you to the President, has been by him referred to this Department for appropriate reply. Deepest sympathy is felt for the suffering which has been entailed on the people of Shenandoah and the adjoining counties by the savage depredations and malignant incendiarism of our enemies, and there is not wanting, on the part of the Department, an earnest desire to afford to the people of the county all the alleviations which exigencies of the service will allow.

I have had on this subject anxious conference with General Kemper and General Lee, and am compelled reluctantly to the conclusion that the reserves from Shenandoah and Page Counties, now serving in front of Richmond, cannot be relieved and sent home in this emergency. Neither can the call for those between eighteen and forty-five years of age capable of active service be altogether dispensed with.

All that I see practicable at this time is, that such of the reserves remaining at home in these counties, now being collected by Brigadier-General Lee, may be allowed to remain, and that the enrolling officers engaged in assembling those between eighteen and forty-five capable of active duty be instructed to exercise a more liberal discretion than heretofore in furloughing important mechanics and others, the necessity for whose presence is plain for the support of numerous dependents.

It is hoped the contingencies of the campaign may allow, at a later period, more liberality in furloughing the reserves in front of this city than the exigencies of service have hitherto permitted. Should such an opportunity occur it will be embraced with promptness, and the reserves from the counties desolated by the enemy will be specially favored.

While these indulgences may appear to the distressed community of those counties but inadequate relief, they will, it is hoped, accept them as an earnest of the sympathy and interest of the Department, and believe that more is not done only because not compatible with the general defense and safety.

Very respectfully, JAMES A. SEDDON,
Secretary of War.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., November 25, 1864.

Lieut. Col. GEORGE W. LAY,
Inspector-General of Conscription:

GERERAL: I am instructed by the Secretary of War to communicate for your information that purchasing agents or transportation agents appointed under the act of Congress approved June 14,

1864, chapter 52, from persons then over forty-five years of age or who are physically incapacitated for service in the field, or who had been in the service over twelve months, or who had been at that date discharging any of the duties required of such agents, are not liable to conscription.

Should any of these agents not belong to the classes above enumerated, they are liable to conscription, and will be duly enrolled and assigned, unless specially detailed to perform the duties of their agencies.

The Secretary further directs that this decision shall be communicated to your enrolling officers for their future guidance, and to secure the prompt assignment to the Army of all those acting as agents, who are not appointed in accordance with the provisions of the aforesaid act of Congress or detailed by competent authority.

I am, general, very respectfully, your obedient servant,

C. B. DUFFIELD,
Assistant Adjutant-General.

(Same to Generals of Reserves.)

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 25, 1864.

Major-General WITHERS,
Commanding Reserves in Alabama:

GENERAL: Your letter of the 8th instant, inclosing your correspondence with His Excellency Governor Watts, has been received. The tone of His Excellency's letter is well calculated to excite surprise.

The conscription act of April 14, 1862, authorizes the President to call out and place in the military service of the Confederate States for three years all white men, who are residents of the Confederate States, between the ages of eighteen and thirty-five years at the time the call or calls may be made who are not legally exempted from the military service.

The act of September 27 following authorized the calling out of the residents between thirty-five and forty-five "at the time the call or calls may be made" who were not exempt.

The act of Congress of the 17th of February last declared that all white men between the ages of seventeen and fifty shall be in the military service of the Confederate States for the war from and after the passage of the act. This last act repealed all pre-existing exemptions, and enacted that the persons specified in the act should be exempt. Among the exemptions are such officers as the Governors of the respective States may certify to be necessary to the proper administration of the State government.

It is very clear that the acts of Congress determined that the persons who were to be placed in the Army and those who should be released from service under each of these acts were to be ascertained by the facts existing at the date of the Presidential calls or the date of the act of Congress, as expressed by the terms of the acts above quoted.

It so happened that Congress, in adopting the exemption act of October, 1862, repealed the exemption act which had been adopted in April, and which accompanied the conscription bill of that month. An adherence to the terms of the act of April would have placed men

in service who would have been exempted if the consequence had been foreseen. The Department, therefore, allowed the class mentioned in the act of April, and who were embraced in the call of that month, the benefit of the exemption of the October act when they had not been enrolled. This was not in accordance with the terms of the act, but was an indulgent construction, to meet an inconvenience produced by the legislation.

The act of February last contains no ambiguity, and does not require any departure from its language to fulfill the intention of Congress or to prevent hardships. Congress divided the population at the date of its enactment into the two classes, of conscripts and exempts.

To entitle an officer to exemption he must have been an officer at that date. The Governor was authorized to decide, when the call for service was made, whether he was necessary for a proper administration of the State government. I cannot understand the argument that is opposed to the view herein presented.

Congress, under its unquestionable power, appropriates the services of the men who are of the proper age for the public defense. At the date of this act there has been no appropriation of that service by any other authority. The men are in the militia, and might be called out by the President to perform militia duty under previous acts of Congress to repel the invader of the country; but Congress, having the power to raise armies in a period of great public danger, when the enemy is upon the soil of every State, and occupies an important portion of the Confederacy, deems that his services are requisite for the war, and so enacts. How can this man be taken from the service except by an act of Congress? The act of Congress is admitted to be in pursuance of the Constitution. It is the supreme law of the land. All men are required to render to it obedience, and the judges of the State are bound by it, anything in the constitution and laws of the State to the contrary notwithstanding.

If the Governor of Alabama supposes that the act of Congress contains an exemption in favor of officers who have been elected since the date of the act, and who have obtained a certificate from him that they are necessary for a public administration of the State government, the Department differs from him; but this difference scarcely entitles him to take up arms, or to menace with resistance by force the administration of the Department. The question is a judicial one, and the courts are open to the party aggrieved to assert his right to an exemption. The question is not one of a political character, involving any necessity for a discussion between the executives of the Confederate and State governments, but of private right, between the individual claiming to be exempt from service and the officer who asserts his liability to the service. If the claim be that independently of any act of Congress the officer is exempt; that the claim of the State for civil service is paramount under the prior claim of the Confederate States for military service, and its assertion of that claim by appointing, still the question may be disposed of by the judicial tribunals. The Department approves of the course you have adopted and of the tone and matter of your correspondence.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[NOVEMBER 25, 1864.—For order of Governor Brown establishing camps of organization for Georgia militia, see Series I, Vol. LIII, p. 378.]

RICHMOND, *November 26, 1864.*

THE SENATE OF THE CONFEDERATE STATES:

In response to your resolution of the 17th instant I herewith transmit for your information a communication from the Secretary of War relative to the number of persons in "each State exempted from military service upon the certificate of the Governors, respectively, that they are officers necessary for the proper administration of the government of said States."

JEFF'N DAVIS.

[Inclosure.]

WAR DEPARTMENT,
Richmond, November 24, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolutions of the Senate referred by Your Excellency to this Department:

Resolved, That the President of the Confederate States be requested to communicate to the Senate the number of persons in each State exempted from military service upon the certificate of the Governors, respectively, that they are officers necessary for the proper administration of the government of said States.

In response I have the honor to transmit herewith a report from the superintendent of conscription containing the information called for by the Senate.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[Sub-inclosure.]

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., November 23, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to return the inclosed paper referred to this Bureau, and in pursuance of your indorsement to report thereon that you will find the response thereto contained in the paper inclosed, marked A. I use the opportunity to remark that the Governors of several States, in giving certificates of exemptions, under the act of the 17th of February, 1864, do not confine their certificates to officers as that term seems to be used in the law, but extend them to all persons in the service of the State, or in any mode employed by State authority, and that authority is interposed to prevent the conscription officers from enrolling and assigning such persons to Confederate service. In the past year I have frequently invited your attention to the cases arising under this action. In my returns I of course report all such cases of certificates as for officers, that being the term used in the law.

I have the honor to be, most respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

A.

List of the number of State officers exempted in each State on the certificate of the Governors of the respective States.

Virginia	1,422
North Carolina	14,675
South Carolina	233
Georgia	1,012
Alabama	1,223
Mississippi	110
East Tennessee	39
East Louisiana	20
Florida	109
Total	18,843

HEADQUARTERS BUREAU OF CONSCRIPTION,
Richmond, Va., November 20, 1864.

I certify that the above list is a true extract from the official returns furnished me by the generals of reserves in the respective States, as contained in the consolidated reports of the commandants of conscripts.

JNO. S. PRESTON,
Brigadier-General and Superintendent.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., November 28, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: The resolution of the House of Representatives requesting the President to inform the House by what authority of law the War Department is now conducting an impressment of slaves in Virginia, without regard to the State law on that subject, which has been referred by you to this Department, has been received.

On the 17th of September last General Lee, commanding the Army of Northern Virginia, made known to this Department "that there was an immediate necessity for the services of 5,000 negroes for thirty days;" that the necessity was sufficiently urgent to justify calling for this labor at once; that he could not consistently with the exigencies of the service detail officers and soldiers from the army for this duty, and said "that if the agents of the Bureau of Conscription can be employed for this purpose I am prepared to give them such authority as I consistently may. They can consult with the local authorities and arrange for the impressment in such manner as to be least injurious to the public service. I inclose a tabular statement of the quota and the counties from which it is proposed to draw the negroes."

The existence of an urgent necessity for an immediate supply of the labor required was unquestionable. In conformity to the request of the commanding general the agency of the officers of conscription was directed for the impressment according to the schedule furnished by him, with orders to confine the impressment to slaves between eighteen and fifty years of age, and that not more than one slave out of every five on any farm should be taken, and where there were only three slaves of the ages required those should be exempt.

The question whether a commanding general, in the absence of any law upon the subject, under the pressure of an immediate and

urgent necessity, be authorized to impress slaves for service with his army has been much debated in this country, and a diversity of opinion has been expressed upon it. In a discussion in Congress of a claim for compensation for the loss of a slave so impressed for the defense of a city in a state of siege, Judge P. P. Barbour, of Virginia, said:

> The slave, as an item of property, is not a member of the body politic; he owes no service on his own account to the Government. The Government knows him only as the property of his master, and it can get at him only in two ways—the one is by the ordinary process of taxation, and the other is by the extraordinary exertion of power under a pressing public emergency. * * * If the officer wantonly or unnecessarily invade the property of the citizen, he is a tresspasser. But, then, this must be shown, and in the present case not so much as a doubt has been suggested of the existence of such a case of necessity. If the necessity exists, then that case has arisen in which the Government may take the private property for the public use.

The power of a general in the field to impress private property for the public use in a case of an immediate necessity has, since the discussion referred to, been judicially determined by the Supreme Court of the United States to be legitimate.

The fifth section of the impressment act of the 16th of February last, amendatory of the laws regulating impressments, seems to recognize this power as belonging to the commanding general, for it prohibits the impressment of a very large class of slaves "except in case of urgent necessity, and upon the order of the general commanding the department" in which the class referred to may be employed. It was to this class of slaves that General Lee had reference in his letter when he speaks of communicating the authority that resides in him. This Department, in ordering the impressments under the circumstances before mentioned, in conformity to the request of the commanding general and according to his plan, had some reference to the powers that belonged to him under the conditions that have been disclosed.

It also made reference to the powers with which it was clothed by the acts of Congress. The fourth section of the act of Congress of the 26th of March, 1863, authorized the Secretary of War to take private property for the public use whenever he shall deem it necessary by reason of the impracticability of procuring the same by contract, so as to accumulate supplies for the Army, or for the good of the service, in any locality, by general order, through the instrumentality of subordinate officers.

The ninth section of the same act directed that when slaves are impressed by the Confederate Government to labor on fortifications or other public works the impressment should be made according to the rules and regulations provided in the laws of the State where they are impressed; and in the absence of such law, in accordance with such rules and regulations as the Secretary of War shall from time to time prescribe, not inconsistent with the terms of the act. This act of Congress does not require the Department to employ the agency of State officers to secure the labor of slaves. The power to make the impressment in the fourth section of the act above quoted gives to the Secretary of War the power to impress any property liable to impressment through the agency of officers of the Confederate States, and in the ninth section of the act the terms used are, "that when slaves are impressed by the Confederate Government, * * * the impressment shall be made by said Government" in accordance with such rules and regulations as have been provided in the laws of the State wherein they are impressed, if there be such laws.

In an act passed by the State of Virginia, 3d of October, 1862, the Governor of the State was authorized and required to call into the Confederate States service slaves for labor on fortifications and public works. The act provided for the equalizing of the burden as nearly as may be among the several counties, cities, and towns of the Commonwealth, for the hire to be paid, the obligations to be incurred by the Confederate Government, and for the manner of the collection and delivery of the slaves. This act is not an act for the impressment of slaves, but a mode of drafting them for the public service. The execution of the act was dependent in a great measure upon the action of the county court, and experience has fully shown that its operation is dilatory, and that it is not suitable for an immediate and urgent necessity, such as existed in this case.

The only provision in this act that authorizes the impressment of slaves is conditional upon the event of the neglect or refusal of the county or corporation court to perform the duty imposed upon them. In that event the Governor is authorized, with the aid of certain specified officers of the county, to make an impressment of the slaves demanded from the county by agents of his selection.

The Department has usually collected slaves for work upon fortifications by a requisition upon the Governor according to the terms of this act. It is equitable in its provisions, and the agencies employed are probably the least obnoxious of any other for the accomplishment of the object proposed—that object being the assertion of an onerous and repulsive claim for service. But the existing circumstances did not admit of the delay necessarily involved in the use of its machinery. The Department has not supposed that this act was incorporated into the legislation of the Confederate States by the ninth section of the act of March, 1863, but it has in its general order under that section of act and its special order in the present instance preserved its leading features in reference to the apportionment of the labor, the compensation to be made, the obligations to be assumed to the owner in case of the loss or injury of the property, and the length of time for which the slaves are to be continued in the service.

Having thus shown the authority of law under which the Department is now conducting the impressment of slaves in Virginia, the answer to the resolution of the House of Representatives is respectfully submitted.

JAMES A. SEDDON,
Secretary of War.

CIRCULAR No. 34.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., November 28, 1864.

In the recent reports of commandants of conscripts there have been exhibited frequent inaccuracies both of returns and calculations, and such manifest discrepancies as would indicate a want of scrutiny in making them up.

This Bureau must rely solely on the monthly reports for all the information therein called for, and the Government is dependent on this Bureau for that information. It is of the very first importance that these reports should be full, accurate, and correspondent.

It is the duty of commandants to scrutinize all returns, to have them thoroughly corrected, and to consolidate them with mathematical accuracy.

Wherever there are defects, omissions, or discrepancies they should be pointed out and accounted for under the head of "remarks," and each report should be accompanied by a brief analysis on a separate sheet of paper and the wants of the service indicated.

Such accompanying report may properly comment on the capacity and conduct of enrolling officers by name or as a class, and on the condition of the service.

The Bureau is always aided in its administration by such intelligent communications.

Each monthly report must be certified and signed by the commandant.

By command of the Secretary of War:

C. B. DUFFIELD,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., November 28, 1864.

His Excellency President DAVIS:

SIR: I have the honor to transmit for your information a copy of the report of the major-general commanding reserve forces in Virginia, acting under General Orders, Nos. 73 and 77, Adjutant and Inspector General's Office. At the time these orders were issued it was vaguely conjectured, and perhaps represented, that they would furnish to the Army of Northern Virginia near 40,000 men. From the records of this Bureau at that time my estimate was that they would furnish about 5,000 men. The beggarly list here presented does not reach to my calculations, and I am informed that of this number many have already deserted or have been discharged. My belief is that had General Orders, No. 73, been omitted or properly modified so as to express your purpose of calling the reserve forces to the aid and not to the control of the conscription authorities, and then the wide field of 77 been opened to this agency, a much larger contribution to the Army would have been made without serious disturbance to the industry of the country or the departments of Government.

I fear it may be assumed that this control and direction of the officers and business of conscription by the general of reserves in their respective States is a failure. Their aid and that of their forces called as occasion may demand might be beneficial. I venture to use the occasion as pertinent to reiterate, from my thirty months' experience, that for the uniform, impartial, and thoroughly efficient administration of conscription, first, all exemptions by classes should be absolutely abolished; second, conscription should be made independent of the regular military authorities, and the President authorized to assign to the service such officers as he may select, or to appoint for this special duty from civil life, either with rank or salary, such persons as he may select.

The present organization, properly officered, with authority to use the reserve forces on occasion, could perform all the functions of conscription proper, including the levy of slaves, the management of details, furloughs, &c., and also take charge of deserters and absentees, and supervise the entire interior military police. I am confident that without seriously disturbing a single important existing regulation a general order could be devised which would, through the conscription

organization, give simplicity, energy, and good results to the interior military organizations of the country.

Asking your lenient consideration for these free suggestions,

I have the honor to be, most respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[First indorsement.]

Adjutant-General for remarks on the points presented.

J. D.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
December 2, 1864.

Respectfully referred to Major-General Kemper for such information as will enable the undersigned to respond to the indorsement of the President after he has a more full understanding of the subject.

S. COOPER,
Adjutant and Inspector General.

[Third indorsement.]

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
December 7, 1864.

Respectfully returned.

In one respect Brigadier-General Preston and myself agree, to wit, that the present connection of the Bureau of Conscription and the reserve commanders can be productive of no good, for either the reserve commanders should control and conduct the business of conscription in the several States with their reserve forces, or they should be relieved of their present irritating connection with that business. General Preston's remarks and his mode of addressing them will illustrate the want of cordially co-operative relations, the actual antagonisms between the old and the new agents of conscription, which are to be deeply deplored and which may cause the new system to delay instead of to expedite the re-enforcement of the armies. It was in view of those relations that I asked to be relieved of my present command.

General Preston, however, severely reflects upon his own Bureau when he points with triumphant manner to what he terms "the beggarly list here presented," as sustaining his allegations. General Orders, No. 77, were issued on the 8th and my conscription circular executing those orders was issued on the 10th of October last. Some days were consumed in circulating the orders. "The beggarly list," inclosed, shows 4,538 conscripts received at Camp Lee in the month of October; nearly all if not every one of whom were received within the last eighteen days of that month.

Does General Preston mean to imply that all the men liable to military service under Orders 77 from Virginia were gotten out within less than twenty days? If so, he pays an unmerited tribute to my efficiency, for future reports will show that many were received in November, if not later.

The Bureau may be challenged to show when, before the month of October, 1864, the conscript officers collected 4,538 men within the same period. I am informed that in the twelve months preceding October last the Bureau and its agents assigned a fraction over 7,000 men to the armies from all the States within its reach. Now, if this is so I confidently expect to show that within the few weeks I have had

charge of conscription in Virginia more men have gone to the Army from Virginia alone than were assigned by the Bureau and its agents from all the States within the preceding twelve months. It is believed that such facts will prove more forcible than even General Preston's eloquent and caustic commentaries. When General Preston alleges "it was vaguely conjectured and perhaps represented" that 40,000 men would be furnished by the orders (from Virginia), it is submitted that he wanders into the region of idle and groundless rumor, if he means to impute such conjecture to myself. Some of his own subordinates know that my opinion was that the orders would add 10,000 men to the Army from Virginia, but that there were in my belief 40,000 men in Virginia out of the Army between the ages of eighteen and forty-five years. Even the returns of the Bureau, obviously imperfect and partial, which were furnished me by one of its officers about the 1st of September last, showed 28,035 men in the State between eighteen and forty-five exempted and detailed for all causes. It is true General Preston alleges that the "conscription authorities proper" would have made a much larger contribution to the Army if they had been allowed to execute General Orders, No. 77, in the usual way. It is a significant fact, however, that I received no orders through the Bureau to execute General Orders, No. 77, until ten days after those orders had been published by the War Department, until after I had collected hundreds of conscripts in pursuance of those orders. This fact alone makes it obvious that if the tedious routine of the Bureau and its agents had been relied on the orders would hardly have been circulated throughout the State in the month of October, much less would any conscripts have been assigned to the Army in the critical emergency then pending.

As regards General Preston's intimation that General Orders, No. 77, have been executed in Virginia with serious disturbance of the public sentiment and the public industry, I make no reply, except to point to the gratifying and universal testimony of the general public of Virginia in proof that since the publication of General Orders, No. 73, conscription in this State has been characterized by more vitality and vigor, has been more popular, elicited higher commendation, achieved more important results, and has more rapidly re-enforced the Army in an emergency than at any previous time whatever. It is due to myself to aver that far better results would have been accomplished but for the incumbrance of the pre-existing system of conscription which I have had to bear, which has impeded my operations, frustrated many of my best efforts to serve the country, and seriously impaired my usefulness.

J. L. KEMPER,
Major-General.

[Fourth indorsement.]

Respectfully returned to the President.

I scarcely know what remarks to make on the subject of this unpleasant controversy other than to submit the accompanying paper,* which contains my views as to the means whereby the recruitment of our armies may be most rapidly effected. Every consideration, in my judgment, should be given to the most effectual and prompt means for filling our ranks.

S. COOPER,
Adjutant and Inspector General.

*See inclosure No. 3, p. 859.

[Inclosure No. 1.]

Report of progress made in execution of the conscript law in Virginia, month of October, 1864.

Conscripts on hand at date of last report, October 1, 1864	489	
Received since last report	4,538	
		5,027
Assigned since last report	2,847	
Improperly enrolled	6	
Discharged	213	
Deserted	12	
Detailed	741	
Died	1	
Discharged under habeas corpus	7	
Relieved from registration	28	
Ordered to Brigadier-General Preston, Bureau of Conscription	1	
On hand at camp of instruction, Dublin, when it was abolished	31	
		3,887
On hand at camp of instruction, Richmond, November 1, 1864		1,140

Of the 4,538 conscripts received in the month of October, 4,450 were received after publication of General Orders, No. 77, Adjutant and Inspector General's Office, current series. Of this numbe. 1,244 were light-duty men, most of whom had been previously so found under General Orders, No. 26, Adjutant and Inspector General's Office, but were unassigned and reported under General Orders, No. 77.

Agricultural exempts unaffected by General Orders, No. 77	351
Details revoked by General Orders, No. 77	562
Details revived by General Orders, No. 81, Adjutant and Inspector General's Office	26
Light-duty men who apply for detail under General Orders, No. 81	379

CONSCRIPT OFFICE, *Richmond, November 1, 1864.*

[Inclosure No. 2.]

Assignments in Virginia for month of October, 1864.

Organization.	No.	Organization.	No.	Organization.	No.
INFANTRY.		INFANTRY—cont'd.		INFANTRY—cont'd.	
1st Virginia Regiment	47	32d Virginia Regiment	2	Wise's brigade	1
2d Virginia Regiment	7	33d Virginia Regiment	1	6th Georgia Regiment	1
3d Virginia Regiment	28	34th Virginia Regiment	7	1st Virginia Battalion	12
4th Virginia Regiment	23	36th Virginia Regiment	133	22d Virginia Battalion	23
5th Virginia Regiment	16	37th Virginia Regiment	8	23d Virginia Battalion	39
6th Virginia Regiment	2	38th Virginia Regiment	108		
7th Virginia Regiment	11	40th Virginia Regiment	19	Total	2,627
8th Virginia Regiment	6	41st Virginia Regiment	19		
9th Virginia Regiment	28	42d Virginia Regiment	37	ARTILLERY.	
10th Virginia Regiment	52	44th Virginia Regiment	8		
11th Virginia Regiment	107	45th Virginia Regiment	44	Drewry's artillery	4
12th Virginia Regiment	66	46th Virginia Regiment	35	Burroughs' artillery	1
13th Virginia Regiment	90	47th Virginia Regiment	11	Fluvanna Artillery	2
14th Virginia Regiment	70	48th Virginia Regiment	13	Rockbridge Artillery	1
15th Virginia Regiment	59	49th Virginia Regiment	86	Washington Artillery	2
16th Virginia Regiment	21	50th Virginia Regiment	2	2d Battalion Heavy Artillery.	1
17th Virginia Regiment	10	51st Virginia Regiment	76		
18th Virginia Regiment	75	52d Virginia Regiment	10	1st Company Richmond Howitzers.	1
19th Virginia Regiment	62	53d Virginia Regiment	110		
21st Virginia Regiment	34	54th Virginia Regiment	102	2d Company Richmond Howitzers.	2
22d Virginia Regiment	41	55th Virginia Regiment	28		
23d Virginia Regiment	20	56th Virginia Regiment	112	3d Company Richmond Howitzers.	1
24th Virginia Regiment	34	57th Virginia Regiment	63		
25th Virginia Regiment	3	58th Virginia Regiment	35	Norfolk Light Artillery Blues.	5
26th Virginia Regiment	17	59th Virginia Regiment	43		
27th Virginia Regiment	4	60th Virginia Regiment	10	Penick's battery	1
28th Virginia Regiment	59	30th Virginia Battalion	3	Martin's battery	1
29th Virginia Regiment	28	Early's command	254	Chew's battery	2
30th Virginia Regiment	127	Pickett's division	10	French's battery	1
31st Virginia Regiment	14	Mahone's brigade	1	Talley's battery	1

Assignments in Virginia for month of October, 1864—Continued.

Organization.	No.	Organization.	No.	Organization.	No.
ARTILLERY—cont'd.		CAVALRY—cont'd.		CAVALRY—cont'd.	
Dance's battery	1	6th Virginia Regiment	4	24th Virginia Regiment	1
Barr's battery	20	8th Virginia Regiment	15	27th Virginia Battalion	1
Jackson's battery	9	9th Virginia Regiment	10	34th Virginia Battalion	10
Douthat's battery	2	10th Virginia Regiment	25	Chambliss' brigade	1
Griffin's battery	4	12th Virginia Regiment	1	2d Missouri Cavalry	3
		13th Virginia Regiment	9		
Total	62	14th Virginia Regiment	1	Total cavalry	125
		15th Virginia Regiment	1		
CAVALRY.		16th Virginia Regiment	1	ENGINEERS.	
		17th Virginia Regiment	1		
1st Virginia Regiment	3	18th Virginia Regiment	1	1st Regiment Engineers	11
2d Virginia Regiment	6	19th Virginia Regiment	3	3d Regiment Engineers	5
3d Virginia Regiment	10	21st Virginia Regiment	1		
4th Virginia Regiment	12	22d Virginia Regiment	1	Total	16
5th Virginia Regiment	2	23d Virginia Regiment	2		

RECAPITULATION.

Arm of service.	Number.
Infantry	2,627
Artillery	62
Cavalry	125
Engineers	16
Navy	1
From camp at Dublin to Richmond	16
Total	2,847

Respectfully submitted.

J. C. SHIELDS,
Lieutenant-Colonel, Commandant for Virginia.

Capt. R. H. CATLETT,
Assistant Adjutant-General, Reserve Forces of Virginia.

[First indorsement.]

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
Richmond, November 21, 1864.

Respectfully referred to the Bureau of Conscription with the remark that this report does not show the full number of men who have been sent to the Army under General Orders, No. 77. The existing machinery of conscription is not adapted to the work of rapidly re-enforcing the Army in an emergency. Hundreds of men who were sent to Camp Lee dropped out, disappeared without any means of accounting for them existing that I can discover, while many more joined the Army irregularly, without passing through Camp Lee. The machinery which was turned over to me could not dispose of the men as fast as I got them, and hence many were lost or joined the Army irregularly.

From data which I am now collecting I expect to show that double the number of men mentioned in this report were sent to the Army within the time specified.

J. L. KEMPER,
Major-General.

[Second indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, November 24, 1864.

Respectfully transmitted to the Secretary of War and special attention invited to indorsement of Major-General Kemper. It will be

observed that he assumes the existing machinery of conscription is not adapted to the re-enforcement of the Army in an emergency. This was the assumption on which General Orders, No. 73, was based, and these orders added to this machinery the entire reserve force of Virginia and placed the whole under the order of General Kemper. General Orders, No. 77, revoking all details, furloughs, and temporary exemptions, and by ordering the revision of all medical exemptions and the cases of light-duty men, opened, as it was supposed, an immense field for the double machinery to furnish men to the Army. The result is reported at less than 3,000 men. It appears, therefore, that the machinery of conscription, even when controlled and aided by the machinery of the reserve forces, is not adapted to the rapid re-enforcement of the Army in an emergency. Indeed, it seems that even after the men are found by General Orders, No. 77, and are placed within the jurisdiction of this double machinery, they drop out and disappear or join the Army irregularly. It may therefore be concluded from this report that the duplex machinery created by General Orders, No. 73, to operate on the material created for it in General Orders, No. 77, and on the whole conscription material proper, is scarcely more efficacious in furnishing re-enforcements than the simple existing machinery of conscription.

It may be further assumed that had the material furnished by General Orders, No. 77, been left to the control of the conscription authority proper a result quite equal to that stated in this report would have been attained, and without serious disturbance either of public sentiment or the productive industry of the country.

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Inclosure No. 3.]

Suggestions for a general order in reference to the enrollment of conscripts and reserve forces.

I. The business of enrollment, conscription, and collection of absentees, and the assignment of conscripts to the Army, will be conducted by the generals of reserves in the several States, under the direction of an officer of superior rank, who may be hereafter designated for the purpose.

(NOTE.—The superintendent of the Bureau of Conscription being subordinate in rank to many of the general officers of reserves, jealousies and irritations are likely to arise between the Bureau of Conscription and reserve commanders, and it would seem to be doubtful if uniformity of action can be secured in at once organizing and commanding the reserves and enforcing conscription, unless all reserve commanders are placed under some common head of appropriate rank.)

II. All applications for exemption and detail and the returns and reports required by existing orders will be forwarded by the generals of reserves to the Bureau of Conscription.

(NOTE.—This, it is believed, will secure the Bureau of Conscription in the undisturbed exercise of all its functions for which it was originally created. All the bureau work of conscription will thus be committed to the superintendent, while the more active and military duty of collecting conscripts, stragglers, and deserters and forwarding them to the Army will be imposed on the commanders of reserves,

who alone have the control of the forces required for the performance of such duty. The more military duties will by this arrangement be separated from the office or bureau duties; the liability to confusion and conflict, it is believed, will be avoided, while the reserve commanders, having nothing to do with the decision of detail and exemption cases, will be left free to attend to the active command of the reserve forces whenever occasion requires.)

III. All conscripts will hereafter be sent directly from the district of their residence to the commands in the field to which they may be assigned, or to such rendezvous for conscripts as may be appointed by the generals commanding armies in the field.

The camp of instruction, the office of commandants of conscripts, and the conscript medical boards are hereby abolished. A surgeon may be assigned by the general of reserves to each enrolling district, whose duty it shall be to ascertain and determine what conscripts can be sent, without jeopardy of life or health, before the medical boards attached to the commands in the field to which such conscripts may be assigned. Such medical boards will be organized for the examination of conscripts and will determine the fitness of the conscripts for service in the field.

(NOTE.—The importance of thus simplifying the machinery of conscription and imparting greater promptness to its operations is deemed to be great and necessary. The camps of instruction were originally intended for the purpose imparted to their name, but there being now neither necessity nor propriety in detaining men at such places to instruct them in the duties of the soldier, when they are so much wanted in the field, I feel satisfied that confusion and delay will be avoided by breaking up those camps. The conscript medical boards located in the several districts being subject to the suspicion of local and personal influence, and being charged with favoritism and other abuses, and the system being, at least, an unwieldy and dilatory one, I deem it best to substitute for them simply an experienced surgeon in each district, but not of the district, with power to decide, preliminarily, what men the enrolling office can send before the army boards in the field without risk of life or health.)

The office of commandant of conscripts, which is not recognized by law, is now deemed unnecessary, as the general of reserves is himself, to all intents and purposes, commandant of conscripts.

To continue the present office of commandant is to interpose a superfluous officer between the general of reserves and his enrolling officers, which places him one remove further from the subordinates whom he is designed directly to control. I deem it of the first importance to simplify the machinery of conscription in every possible way, so that the rapid and efficient control of the enrolling officers may produce the desired results.

The greatest objection to the present system of conscription is the needless complexity of its machinery, which renders it cumbrous and dilatory in the transaction of business. In order to be effective at any time, but especially in this emergency, it must have imparted to it absolute simplicity of structure and celerity of operation. The Bureau located at Richmond has undertaken to decide all applications for exemption and detail, as well as nameless other miscellaneous applications from all the States east of the Mississippi. Such an application has heretofore been made to the county enrolling officer, who summoned his advisory board, investigated the case, entered it in his books, and reported it to a district enrolling officer, who, in his turn, investi-

gated, made entries in his books, indorsed, and forwarded to the commandant of conscripts for the State. The commandant next made his examination and entries and indorsed and forwarded the papers to the Bureau of Conscription for its action. Frequently months were consumed in thus maturing the case, and even then on account of some defect it was liable to be sent back for rectification. In going back to the county enrolling officer it had to pass, in going as well as returning, the same circuitous channels to be indorsed, and the indorsement entered in a particular set of books as it passed each link in the chain of communication. Cases have passed in this way, back and forth, through all the intermediate offices, several successive times before it was properly made out, and even then, after being once decided, it was liable to be taken up again for a rehearing and started out once more upon its travels. During the pendency of these proceedings the applicant was usually allowed to remain out of the Army by virtue of his pending application. While the papers of a case were thus being sent to and fro between the county enrolling officer and the Bureau of Conscription an increase of volume and a consumption of time were involved enough to make a business man despair of ever getting the applicant into the Army.

The Bureau has been so far removed from its agents as to lose its control of them. The Bureau, in attempting to investigate and adjudicate cases of every description, coming up from all the cis-Mississippi States, seeks to accomplish what can only be done with intolerable delay, uncertainty, and confusion. When the cases are gotten into this routine it seems to be the hardest of all possible things to get the men into the Army, for while the cases are dragging their slow length along the applicants often change their residence or occupation, or somehow their States, or appear to be buried beneath the accumulated office matter. Let no one be surprised that cases should be found pending from six to twelve months, or that the records of conscription should show in a single district twenty-odd hundred conscripts reported and less than one-tenth of the number sent to the Army after the lapse of many months, or that dispassionate judges, well acquainted with the working of the system, should aver that it has kept more men out of the armies than would have sufficed to close the war. Such a system of conscription can only be likened to Milton's "Serbonian bog, where armies whole have sunk." The true plan, it is suggested, is as follows: Let an energetic executive officer control the business in each State. Let the general of reserves, acting as general of conscription, be that officer. Let the commandant of conscripts, the camps of instruction, with their commandants and corps of subordinates, the various county and district boards, both advisory and medical, be all abolished. Let all and each of the existing intermediaries between the general of conscription and the county enrolling officers, together with the whole of their elaborate systems of entries, indorsations, and books, be swept away, leaving only a corps of inspectors to supervise and report upon the conduct of county enrolling officers, and a single medical officer for each district. The general of conscription would in this way be brought into immediate communication and contact with his county officers, and their operations would be guided directly by his own hand. The general of conscription should be confined strictly to the employment of retired and disabled officers and men and to his own reserve forces for the performance of all enrolling and conscript guard duty. That force would be ample to enable him to sweep every county bare of

conscripts, stragglers, and deserters without the employment of a single able-bodied man of the active forces. When a conscript is to be assigned let him be sent from the county of his residence to the nearest intermediate soldiers' home or to such rendezvous for recruits as the general commanding the army may appoint, thence to be forwarded to whatever regiment entitled to recruits he may select. No conscripts should be thus forwarded unless, in the judgment of the district surgeon, he would probably be found [fit] for full service by a field medical board upon his joining his regiment in the field. Every question of conscription, including all cases of exemption and detail arising in a State should be determined at the office of the general of conscription, all the sets of books, entries, indorsements, orders, and correspondence heretofore kept up by the Bureau of Conscription, the commandant of conscripts, the commandants of camps of instruction, the district officers, &c., being abolished and replaced by the single set of books kept at the headquarters of the general of conscription.

All the superfluous machinery of conscription being thus lopped off, a vast expense would be saved by the abandonment of useless and dilatory agencies, and a valuable increase of the Army would be effected by sending to the field the corps of officers and clerks, orderlies, couriers, and guards now needlessly striving "how not to do it" in the Department of Conscription. It will be observed that this plan implies that the Bureau of Conscription (a bureau neither created nor directly recognized by Congress) should be abolished, and the duties heretofore performed by it are devolved by the plan upon the generals of conscription in the several States. It is obvious, however, that a central controlling head must exist to insure uniformity and efficiency of action among the generals of conscription in the States. This central head should be a man of military experience as well as the best practical business qualifications, for he is to command all the reserve forces as well as the business of conscription throughout the Confederacy. His command would be larger in numbers and more important in character than any other whatever. His headquarters would be the source from which would emanate the orders prescribing the general rules and regulations to govern at once the organization and command of the reserve forces and the administration of conscription by his subordinate generals in the States.

No mere bureau work, no such corps of officers and clerks would encumber his headquarters as now fills the long perspective of the Bureau of Conscription, vainly endeavoring to decide all the multifarious questions of detail, exemption, assignment, rehearing, &c., arising in the Confederacy. If such cases ever reached his headquarters it would be by appeal from the decisions of his subordinate generals in the States, and would be considered after the appellant had been sent to and was serving in the Army. His would be a legitimate military command. As the large and important interests now connected with posts, hospitals, provost-marshalships, prisoners, &c., are not subject to a proper central control nor under any single effective administration, and as many of them constitute the lurking places for numbers who are liable to field duty, they should all come under the direction of the general-in-chief of the reserves and conscription. This would constitute a military department of the interior which would supervise and manage all military interests not now under the direction of generals commanding armies in the field. The advantages of such an organization would not lie merely in its

compactness and simplicity; it would impart unity, celerity, and responsibility to the operations of conscription, to money purchasing, disbursing, and miscellaneous agencies and interests which are now virtually irresponsible, and which, by reason of present irresponsibility, are attended with serious losses to the country in both men and money.

The foregoing plan of a military department of the interior is the suggestion of an experienced soldier, not the writer. It is hoped that nothing in these suggestions will be construed as reflecting upon the present superintendent of the Bureau of Conscription. The above strictures are aimed at the present system of conscription, not at that distinguished and respected gentleman.

NOTE.—During the months of July and August, 1864, the indorsements copied at the office of the commandant of conscripts for Virginia, alone amounted to 600 quarto pages.

[NOVEMBER 28, 1864.—For Clark to Maury, in relation to maintaining the State troops of Mississippi in the field, see Series I, Vol. LII, Part II, p. 791.]

HDQRS. DEPT. OF WESTERN VIRGINIA AND EAST TENN.,
Wytheville, Va., November 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond:

I respectfully beg leave to call your attention to the operations of General Orders, No. 65, current series, and to submit one or two suggestions.

Many men, chiefly foreigners, have left the Federal service and come into our lines under the guaranties of this order. The inducement that has brought most of them is the promise that they "shall be received, protected, and supplied with means of subsistence until such of them as desire it can be forwarded to the most convenient points on the border, where all facilities will be afforded them to return to their homes." As most of those who avail themselves of this order have been sent to this department for transmission through my lines, I have had an opportunity of witnessing the practical workings of the system adopted to carry it into effect. The men are sent by the provost-marshal of Richmond to Abingdon or Bristol, with orders to send them through toward Kentucky. No discretion is authorized and the deserters are offered no choice. It is generally found that they are averse to this disposition of them, claiming that it is a violation of good faith. In nearly every case they ask to be permitted to remain in the Confederacy as laborers or mechanics. The experience of those who have gone through is sufficient to deter them. In the first place, they have to march on foot through a barren frontier of several hundred miles before they enter the Federal lines. This frontier is infested with prowling bands of lawless men who strip them of everything they possess, until, it has been reported to me, that by the time they reach the Federal lines they have scarcely clothing sufficient to hide their nakedness. They are then liable to arrest and punishment as deserters. At first they secured proper reception at the hands of the Federal authorities by representing themselves as

deserters from our service. I have reason now, however, to believe that spies have been sent to ascertain the disposition made by us of this class of deserters, and that means are adopted which lead to the arrest of most of them.

Apart from the considerations of good faith which should induce an adherence to the terms of this order if it is still permitted to remain in force, our own necessities suggest a different policy. The scarcity of laborers and mechanics requires an increase of this class, and opportunity is offered to supply the demand. I therefore recommend that previous to being sent from Richmond those who desire to remain should be taken out and assigned to Government workshops or permitted to find employment. They could have an oath administered to meet their status and be furnished with descriptive lists to establish their identity.

Interpreting the order according to its spirit, I have from several of the lots sent here obtained a number of valuable mechanics, miners, &c., who have been assigned to work in their respective departments, and their is still a demand for more. If more are sent here I request that I be permitted to continue to select such as I deem fit for the required work.

The class of men who avail themselves of this order is generally good. A few bad men may come through to serve improper motives, but the bulk are honest, industrious men, who come from a desire to escape an odious service, and with the purpose in good faith of remaining in the Confederacy until such time as they can safely return to their homes.

I have undertaken at some length to point out the abuses and injustice involved in the present execution of the order, and trust that the subject will receive your early attention.

I am, very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Major-General.

[First indorsement.]

DECEMBER 4, 1864.

Mr. SHEPHERD:

Inform General Breckinridge that instructions in conformity with his suggestion as to the employment of these deserters had been previously given and will be repeated.

He is fully authorized to give such employment, especially to foreigners among them, whenever he deems it expedient.

J. A. S.

[Second indorsement.]

DECEMBER 4, 1864.

To Major Carrington, provost-marshal, for consideration and suggestions as to the best course of proceeding in regard to these deserters.

J. A. S.

[Third indorsement.]

DECEMBER 7, 1864.

Respectfully returned to Honorable Secretary of War, calling attention to inclosed report.

I. H. CARRINGTON,
Provost-Marshal.

[Inclosure.]

DEPARTMENT OF EAST TENNESSEE,
Abingdon, December 2, 1864.

Hon. J. A. CAMPBELL,
Assistant Secretary of War:

SIR: During the past month several hundred Yankee deserters have been sent to this post to be forwarded under Order No. 65 across our lines into Kentucky. Many of these men having expressed a strong desire to remain in this neighborhood have been permitted to do so. A list of the names of those thus allowed to remain, some 134 in number, is inclosed. Each of them has given his solemn parole on oath before me that whilst remaining here he would demean himself quietly and peaceably as a friend of the Confederate and State governments, obey all their laws, and give no aid, comfort, &c., to the enemy during this war, &c.

I did not exact an oath of neutrality because I considered that if these men remain here some length of time and establish themselves permanently they might be regarded as having acquired a citizenship which would perhaps at some future time render them liable to military duty, and as an oath of neutrality exacted by the Government might imply a tacit pledge that the party taking it was never to take up arms for either side, there would thus arise an inconsistency if some future policy should require them to render us military service. These men are all artisans, mechanics, teamsters, or laborers, &c., and with very few exceptions foreigners, *i. e.*, from countries other than the United States. They have been employed in the quartermaster's and commissary departments, in the hospitals, and by private individuals in this neighborhood. Before they were permitted to remain they were required to have some place to work offered to them by parties known to the provost-marshal. The demand for skilled labor is very great here, and the conscription will render its necessity still more urgent. These men, having deserted from the Yankee Army, are afraid to return into the Yankee lines, and we have thus a guarantee that they will not injure us.

It seems, then, to me a wise policy to permit such men to remain with us to a certain extent; but as these applications are becoming more numerous, and as the commandant of this post refers to me for advice, and has guided himself in his action by my opinion, I think it proper to state the facts to the Department, as I am not advised what the policy of the Government in this regard may be.

If you think the course pursued improper I will so advise the commandant of the post, and cease to sanction it by administering the above oath and counseling the retention of these men. But if not otherwise instructed I will consider my action approved and direct accordingly.

I am, sir, very respectfully, your obedient servant,
WILLIAM D. HENNEN,
Special Commissioner for Department of East Tennessee.

ABINGDON, *December 3, 1864.*

Names of Yankee deserters claiming the benefits of General Orders, No. 65, and who, having been sent to Abingdon, Va., to be forwarded into the Yankee lines, have been permitted to remain within our lines upon giving their parole and taking an oath before William D. Hennen, special commissioner for Department of East Tennessee, that

whilst remaining in the Confederacy they will obey all the laws of the Confederate States and of the State in which they may remain; that they will demean themselves as friends of the Government of said States, and that during this war they will give no aid, comfort, or assistance to the United States, and upon declaring that it is well understood that any violation of said parole or oath is punishable with death.

Done between the 1st of November and 1st of December, 1864.

[Here follows the list of 134 names of the individuals, which is omitted.]

I certify the above list to be correct.

WM. D. HENNEN,
Special Commissioner for Department of East Tennessee.

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., November 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: You informed me this morning that His Excellency the President declined to accept my report to you in response to Senate resolution (referred to this Bureau) concerning the "number of persons in each State exempted from military service upon the certificates of the Governors, respectively," &c., on the ground of the manifest inaccuracy of the returns, and you required me to make proper explanations of those returns. As I am not informed of the specific inaccuracies referred to, I can only explain in general terms.

First. My report is made up from the consolidated monthly reports required by general orders to be made by the commandants of conscripts. A form of these reports furnished by this Bureau is herewith submitted. You will observe that it is a complete analysis of the act of February 17, 1864, using in direct connection and sequence the terms of that act, and providing for returns under every provision of the act. In addition to these reports I have used the reports of my registration officers. In general, the two have nearly conformed in result. These are the only sources provided for this Bureau to obtain information. The agencies employed in the conscript service are extremely defective in proper qualification as well for this as other grave duties, and I have found the utmost difficulty in getting the duties prescribed properly performed even by the highest officers in the service. My control over them and my direction of their duties is so frequently disturbed that their obedience is the act of the loosest volition. In this case my positive orders are that all exemptions for State officers shall be issued by the commandants. One of these officers explains his erroneous returns by charging them on the local officers, thus aggravating his own negligence of duty. His returns came to me under the sanction of the tribunal interposed between this Bureau and the officers of conscription.

Second. I conjecture the inaccuracies indicated by the President are supposed to exist in the returns from the States of North Carolina, Georgia, and Mississippi. The reports from North Carolina from May to October are now in the hands of a special inspector sent to that State. The regular and rapid increase of certified State officers and State employés would indicate accuracy, but on the doubt being expressed I have ordered and have now progressing this special inspection concerning them. It is well known that the laws of North

Carolina have created large numbers of officers, and that the Governor of that State has not only claimed exemption for those officers, but for all persons employed in any form by the State of North Carolina, such as workmen in factories, salt makers, &c. This Bureau has no power to enforce the Confederate law in opposition to the Governor's certificates or the claims of a State.

I would respectfully refer you to Governor Vance's correspondence with you on this subject, in which he proposes (to use his own words) "to try title with the Confederate Government" in resisting the claims of the conscript officers to such citizens of North Carolina as he may claim for the proper administration of the laws of the State. In answer to a communication to him on the subject, the commandant for North Carolina now reports to me that his returns are inaccurate and greatly exaggerated. I have the honor to inclose his letter; and unless the report of my inspector relieves him from the confession of the disobedience of orders and false returns, I will be compelled to ask his relief from the conscription service.

In Georgia up to last reports the Governor had certified to 1,012 persons. I respectfully refer you to the correspondence of Governor Brown with yourself and his correspondence with the commandant of conscripts for Georgia referred to you, to show that, besides the 1,012 persons, he claims as not coming under the act of Congress large bodies of the citizens of Georgia, and forbids their enrollment by the Confederate conscript officers. It has been found impracticable to overcome this impediment. It has been frequently reported. The number is supposed to reach about 8,000 men liable to Confederate service.

Herewith is the last report of the commandant of conscripts for that State. In Mississippi the number certified up to the last report is only 110. The Governor of that State decided that his proclamation was sufficient certificate under the law. I beg to refer you to the letter from this Bureau to the Governor on that subject. No response has ever been received, and the results anticipated have been verified by the failure to receive proper returns. It is believed that a large number of persons in that State, withheld by the action of the Governor, have not been brought within the jurisdiction of the conscription officers. The service in that State, from a variety of causes, has not been efficient; but there, as well as elsewhere, you will please to remark that the work is progressive, not concluded; that the reports are of progress, not of final action. They are of what has been ascertained (by no means of what may yet be left) to be done.

I have given the reports, collected and sifted as thoroughly as the data or reasonable construction will allow. I do not regard them as accurate. They cannot be made so unless a uniform permanent system is adopted and maintained, and proper and sufficient agencies are assigned to the duties embraced in the administration of their matter.

With these explanations, I respectfully submit such information as is possessed by this Bureau. In view of the supposed inaccuracies, I will use the most active exertions and all the means under my control speedily to rectify them if they exist.

I have the honor to be, sir, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

P. S.—Since the writing of this note the accompanying special report has been received from Georgia confirming the estimate stated of persons withheld from conscription by the Governor of Georgia.

[Inclosure No. 1.]

CONSCRIPT OFFICE,
Raleigh, N. C., November 24, 1864.

Brig. Gen. JOHN S. PRESTON,
Superintendent of Conscription, Richmond, Va.:

GENERAL: As advised by telegram of this date, I have the honor to offer the following explanation relative to the discrepancy between the number of State officers as given in the monthly report for September and the number given by telegram yesterday. The discrepancy occurs in the manner in which the enrolling officers make up their monthly reports. For instance, an officer reports for the month of May forty State officers in his county, and in each subsequent report he repeats the same figures, with such additions as may from time to time become necessary, without any explanation. This has been ascertained by comparing their reports, which until recently it has been impossible to do, and now only partially, from the fact that their reports are frequently returned for correction and explanation, and cannot be had at the proper time the revision should be made, and this arises from the irregularity of mail communication, it frequently requiring from three to four weeks to get a communication to and an answer from an officer. I desire respectfully to further state that the same discrepancy (or a corresponding one) occurs under all the heads of exemption, making the aggregate nearly three times as large as it really is. For example, the total number at the date of report for the month of October under the head of "physical disability" is 35,032, whereas it should not exceed 10,000 or 11,000. Measures have been instituted by which I hope to present for November a correct report of each class of exempts.

Earnestly hoping this explanation will meet your approbation and enable the Bureau to make a safe and reliable calculation of the information required,

I am, general, very respectfully, your obedient servant,
PETER MALLETT,
Commandant of Conscripts for North Carolina.

P. S.—The registration report recently forwarded through Lieutenant-General Holmes may be relied upon as being the most authentic data it is possible to obtain.

P. M.

[Inclosure No. 2.]

HEADQUARTERS CONSCRIPT SERVICE, GEORGIA,
Augusta, November 25, 1864.

Brig. Gen. J. S. PRESTON,
Superintendent Bureau of Conscription, Richmond, Va.:

GENERAL: I have the honor to acknowledge the receipt of your telegram of the 23d instant, calling for the number of each class of exemptions of State officers in Georgia, and, in reply, to inform you that, foreseeing the necessity of this information, I ordered the enrolling officers throughout the State, in the following paragraph of my Circular No. 3, dated May 16, 1864, to collect it:

IV. The most active and continuous efforts of enrolling officers will be directed to perfecting a thorough military registration of all white males resident or found within their respective districts who are between the ages of seventeen and fifty

years. This register should embrace all men not already in service, no matter what may be their physical condition or claims to exemption, and should satisfactorily exhibit under the head of "Remarks" the status of each person.

When the registration was called for I found that in most instances the officers had entirely failed to obey this order, and the inspectors assigned by me to superintend the registration could only collect the information partially, for the reasons that many of the militia officers were then in active service and absent from their counties and that there were two districts of the State entirely, one partly, in possession of the enemy. For these reasons I had to ignore the registration returns entirely in getting the information required by the telegram referred to and have to take as a basis upon which to estimate the number of civil officers in the State the Governor's proclamation, claiming all of them as exempt from conscription. To arrive at the probable number of militia officers, who are also claimed by the Governor as exempt, I have taken the late report of the adjutant and inspector general for the State, which shows an organized militia force of eighteen regiments, twenty-one first-class battalions, forty-seven second-class battalions, and eight independent companies. The information obtained in the manner above stated will be found in the inclosed table, which exhibits the whole number of exempts, designating the several classes, and in my opinion may be relied on as accurate. My impression is, from all the information I can gather, that most of the State officers, civil and militia, the latter especially, are composed of able-bodied men between the ages of eighteen and forty-five years.

Very respectfully, your obedient servant,

WM. M. BROWNE,
Colonel and Commandant.

[Sub-inclosure.]

Report of civil officers in the State of Georgia exempt from conscription.

Governor and State-house officers	20
Judges supreme court	3
Clerks supreme court	2
Judges superior court	16
Senators	44
Representatives	169
Justices of the peace	1,350
Justices inferior court	660
Solicitors	16
Clerks superior court	132
Deputy clerks superior court	132
Clerks and deputy clerks inferior court	264
Ordinaries	132
Deputy ordinaries	132
Sheriffs	132
Deputy sheriffs	132
Constables	1,350
Tax collectors	132
Tax receivers	132
Jailers	132
County treasurers	132
Coroners	132
County surveyors	132
Aggregate	5,478

Report of militia officers in the State of Georgia exempt from conscription.

Adjutant and inspector general	1
Quartermaster-general	1
Commissary-general	1
Surgeon-general	1
Chief of ordnance	1
Military store-keeper	1
Aides-de-camp	44
Colonels	18
Lieutenant-colonels	39
Majors	86
Adjutants	86
Surgeons	18
Assistant sugeons	86
Assistant quartermaster-generals	86
Assistant commissaries	86
Captains	549
First lieutenants	549
Second lieutenants	1,098
Aggregate	2,751
Total number civil officers	5,478
Total number militia officers	2,751
Aggregate	8,229

HEADQUARTERS CONSCRIPT SERVICE, GEORGIA,
Augusta, November 25, 1864.

Respectfully submitted to Brig. Gen. John S. Preston, superintendent Bureau of Conscription.

WM. M. BROWNE,
Colonel and Commandant of Conscripts, Georgia.

[Inclosure No. 3.]

BUREAU OF CONSCRIPTION,
Richmond, Va., June 1, 1864.

His Excellency Governor CLARK,
Macon, Miss.:

GOVERNOR: The Secretary of War referred your telegram of the 13th of May to this Bureau for consideration and reply. The act of Congress "to organize forces to serve during the war, approved 17th of February, 1864," General Orders, No. 26, paragraph II, Adjutant and Inspector General's Office, and the instructions of this Bureau under sanction of the Secretary of War, designate the persons to be exempted without the Governor's certificate. Article 2, section 10, of the act of Congress requires that there shall be exempted such other officers as the Governors may certify to be necessary for the proper administration of the State governments. Your Excellency will readily perceive that a general proclamation by a Governor designating classes or individuals would not afford sufficient testimony to the enrolling officer for the identification of the persons claiming to belong to the classes or to be the individuals proclaimed to be exempted. Such identification could only be proved by the claimant exhibiting the certificate required by law. An enrolling officer accepting any proof less certain than that prescribed in emphatic terms by the act of Congress would certainly be derelict, and such admission would open the way to serious detriment to the service.

It is earnestly hoped by the Secretary of War that these considerations will induce Your Excellency to waive the demand of your telegraphic dispatch, and issue the legal certificates to such officers as you deem necessary for the proper administration of the State Government.

I have the honor to be, your obedient servant,

JNO. S. PRESTON,
Colonel and Superintendent.

[Inclosure No. 4.]

Monthly return for August, 1864, enrolling department of Georgia, commanded by Col. William M. Browne.

NUMBER AND STATUS OF PERSONS EMPLOYED IN ENROLLING DEPARTMENT OF GEORGIA.

	Colonels.	Lieutenant-colonels.	Majors.	Captains.	Contract physicians.	First lieutenants.	Second lieutenants.	Non-commissioned officers.	Privates.	Conscripts—18 and 45.	Conscripts—45 and 50.	Total.
ENROLLING CORPS.												
Commandant of conscript	1											1
Adjutant and assistants, and clerks at headquarters.				1		2	2			7	1	13
Congressional district and enrolling officers.			1	3		3	2					9
Assistants and clerks to enrolling officers						3	1					4
Sub-enrolling officers				7		4	8	20	9	187	135	370
Assistants and clerks to sub-enrolling officers.												
Inspectors of conscription			1	2								3
Chief quartermaster				1								1
Advisory boards												
MEDICAL CORPS.												
Chief surgeon at headquarters			1									1
Examining boards and clerks			12	8	6							26
Surgeons at camps			1	1								2
CAMPS OF INSTRUCTION.												
Commandant of camps			1									1
Quartermaster				1								1
Commissary				1								1
Adjutants of camps							1					1
Drill-masters						1	10					11
Camp guards								12	98			110
SUPPORTING FORCE.												
—— companies				6		6	12	50	394			468
Disabled soldiers assigned, paragraph V, Orders 96, 1862.				1		1		2	15			19
Conscripts assigned under section 8									1			1
Absent with leave[a]			3	3	1					3		
Absent without leave												
Total	1		17	32	6	20	36	84	517	194	136	1,043

[a] Not reckoned in total.

Monthly return for August, 1864, enrolling department of Georgia, &c.—Continued.

OPERATIONS OF ENROLLING DEPARTMENT.

	During the month.				Total to date of report.			
	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.
Enrolled for field service	488	46	106	640	7,542	777	1,778	10,097
Enrolled for service under section 8	204	7	56	267	1,496	45	331	1,872
Volunteers enrolled	.....	22	32	54	1	41	64	106
Total	692	75	194	961	9,039	863	2,173	12,075
Assignment to field service:								
To infantry—								
Conscripts	89	31	57	177	.....	.....	.....	6,620
Volunteers	.....	.....	.....	.....	.....	.....	.....	.....
To artillery—								
Conscripts	1	.....	1	2	.....	.....	.....	725
Volunteers	.....	.....	.....	.....	.....	.....	.....	.....
To cavalry—								
Conscripts	1	.....	.....	1	.....	.....	.....	586
Volunteers	.....	.....	.....	.....	.....	.....	.....	.....
To Navy—								
Conscripts	2	.....	.....	2	.....	.....	.....	360
Volunteers	.....	.....	.....	.....	.....	.....	.....	.....
To engineers—								
Conscripts	91	.....	.....	91	.....	.....	.....	176
Volunteers	.....	.....	.....	.....	.....	.....	.....	.....
Total	184	31	58	273	.....	.....	.....	8,467
Assignment under section 8:								
To conscription service	15	.....	.....	15	107	.....	13	120
To Quartermaster's Department	12	.....	1	13	97	2	12	111
To Commissary Department	7	.....	1	8	44	1	4	49
To Ordnance Department	4	.....	1	5	20	.....	5	25
To Engineer Department	.....	.....	.....	.....	4	.....	.....	4
To Navy Department	.....	.....	.....	.....	1	.....	2	3
To Post-Office Department	.....	.....	.....	.....	.....	.....	.....	.....
To Medical Department	54	1	13	68	171	3	29	203
To Treasury Department	.....	.....	.....	.....	.....	.....	.....	.....
To Niter and Mining Department	.....	.....	.....	.....	.....	.....	.....	.....
To provost guard	29	.....	6	35	137	2	19	158
To post guard	.....	.....	.....	.....	.....	.....	.....	.....
To camp guard	2	.....	.....	2	47	2	3	52
To hospital guard	.....	.....	.....	.....	.....	.....	.....	.....
To bridge guard	.....	.....	.....	.....	.....	.....	.....	.....
To similar duties	.....	.....	.....	.....	.....	.....	1	1
Total	123	1	22	146	628	10	88	726

Deserters and absentees without leave arrested and returned to the Army this month 574
Total number of deserters and absentees arrested and returned to the Army to date 4,366

NUMBER AND CLASSIFICATION OF EXEMPTIONS UNDER ACT.

Classifications.	During the month.				Outstanding at date of report.			
	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.
Physical disability	182	15	28	225	2,053	81	263	2,397
Confederate officers	.....	.....	.....	.....	.....	.....	1	1
State officers	50	1	6	57	979	3	30	1,012
Ministers of religion	67	.....	16	83	224	.....	56	280
Superintendent and physicians [to] deaf, dumb, and blind.	.....	.....	.....	.....	15	.....	3	18
Editors	2	.....	.....	2	2	.....	.....	2
Newspaper employés	8	3	1	12	107	4	5	116
Confederate public printer and employés	.....	.....	.....	.....	.....	.....	.....	.....

Monthly return for August, 1864, enrolling department of Georgia, &c.—Continued.

NUMBER AND CLASSIFICATION OF EXEMPTIONS UNDER ACT—Continued.

Classifications.	During the month.				Outstanding at date of report.			
	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.
State public printer and employés	.....	.....	.....	.....	.....	.....	.....	.....
Apothecaries	7	.....	.....	7	34	.....	2	36
Physicians	87	.....	19	106	302	.....	81	383
Presidents and teachers of colleges, schools, &c.	29	.....	2	31	126	.....	14	140
Superintendents, physicians, and nurses in public hospitals	.....	.....	.....	.....	.....	.....	.....	.....
Overseers and agriculturists	210	.....	28	238	874	3	269	1,046
Railroad officers and employés	.....	.....	.....	.....	849	18	131	998
Mail contractors	1	.....	.....	1	7	.....	.....	7
Drivers post coaches and hacks	1	.....	.....	1	5	.....	1	6
Non-combatants	.....	.....	.....	.....	.....	.....	.....	.....
Foreigners	11	.....	.....	11	11	.....	.....	11
By order of War Department	.....	.....	.....	.....	.....	.....	.....	.....
Total	655	19	100	774	5,588	109	856	6,553

DETAILS FOR AGRICULTURAL AND NECESSARY PURPOSES.

Classifications.	During the month.				Total at date of report.			
	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.
Agricultural details:								
Owners or managers with over 15 hands	56	.....	17	73	208	2	63	273
Owners or managers with between 10 and 15 hands.	36	.....	19	55	107	.....	72	179
Owners or managers with between 5 and 10 hands.	31	.....	13	44	127	1	140	268
Owners or managers with less than 5 hands.	8	.....	8	16	50	3	104	157
Miscellaneous	20	8	38	66	25	8	47	80
Total	151	8	95	254	517	14	426	957
On account of public necessity:								
To railroad companies	.....	1	.....	1	182	16	34	232
To telegraph companies	.....	.....	.....	.....	3	.....	.....	3
To navigation companies	.....	.....	.....	.....	6	.....	.....	6
To cotton and wool factories	88	4	11	103	162	11	24	197
To paper-mills	.....	.....	.....	.....	9	.....	2	11
To iron manufactories	5	.....	.....	5	12	.....	1	13
To foundries	.....	.....	.....	.....	12	2	4	18
To printing establishments	.....	.....	.....	.....	2	2	.....	4
To fire department	.....	.....	.....	.....	.....	.....	.....	.....
To police department	1	.....	.....	1	35	.....	9	44
To gas works	.....	.....	.....	.....	.....	.....	.....	.....
To salt manufactories	4	.....	.....	4	24	.....	2	26
Shoemakers	28	.....	12	40	62	2	29	93
Tanners	16	.....	3	19	26	.....	9	35
Blacksmiths	40	.....	15	55	70	.....	35	105
Millers and mill engineers	38	.....	3	41	61	.....	13	74
Millwrights	1	.....	1	2	8	.....	5	13
Ferrymen	1	.....	.....	1	1	.....	1	2
Wheelwrights	10	.....	7	17	16	.....	11	27
Wagon makers	2	.....	.....	2	8	.....	12	20
Indigent circumstances	20	4	2	26	40	5	54	99
Express company	.....	.....	.....	.....	40	.....	5	45
Equity, justice, and necessity	16	.....	23	39	24	4	104	132
Miscellaneous	34	.....	11	45	51	.....	14	65
Total	304	9	88	401	854	42	368	1,264

Monthly return for August, 1864, enrolling department of Georgia, &c.—Continued.

DETAILS FOR GOVERNMENT SERVICE.

Classifications.	During the month.				Total at date of report.			
	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.	Between 18 and 45.	Between 17 and 18.	Between 45 and 50.	Total.
Bureaus and departments (not including contractors or artisans, mechanics, &c.):								
Conscription Department	37	.....	.....	37	105	.....	30	135
Quartermaster's Department	14	.....	5	19	98	2	55	155
Commissary Department	15	.....	3	18	115	2	32	149
Ordnance Department	20	.....	1	21	39	5	5	49
Engineer Department	13	.....	7	20	20	1	8	29
Navy Department	15	.....	.....	15	38	1	6	45
Post-Office Department	1	.....	.....	1	9	.....	2	11
Medical Department	6	2	1	9	14	2	7	23
Treasury Department	1	.....	.....	1	23	.....	3	26
Niter and Mining Bureau	1	.....	.....	1	1	.....	.....	1
Miscellaneous	5	.....	.....	5	6	.....	.....	6
Total	128	2	17	147	468	13	148	629
Of contractors to furnish supplies:								
In Quartermaster's Department	8	.....	.....	8	26	.....	5	31
In Commissary Department	3	.....	1	4	6	.....	2	8
In Ordnance Department	3	.....	.....	3	64	3	4	71
In Engineer Department	22	.....	2	24	25	.....	3	28
In Navy Department	.....	.....	.....	.....	1	.....	.....	1
In Post-Office Department	1	.....	.....	1	1	.....	.....	1
In Medical Department	1	.....	.....	1	1	.....	.....	1
In Treasury Department	.....	.....	.....	.....	.....	.....	.....	.....
In Niter and Mining Bureau	.....	.....	.....	.....	.....	.....	.....	.....
Total	38	.....	3	41	124	3	14	141
Of artisans, mechanics, &c.:								
To Quartermaster's Department	2	.....	2	4	97	5	23	125
To contractors with Quartermaster's Department	7	.....	.....	7	76	2	7	85
To Commissary Department	.....	.....	.....	.....	4	.....	1	5
To contractors with Commissary Department	1	.....	.....	1	5	.....	.....	5
To Ordnance Department	44	2	.....	46	47	2	2	51
To contractors with Ordnance Department	2	.....	.....	2	26	.....	.....	26
To Engineer Department	.....	.....	.....	.....	.....	.....	.....	.....
To contractors with Engineer Department	.....	.....	.....	.....	.....	.....	.....	.....
To Navy Department	.....	.....	.....	.....	2	.....	.....	2
To contractors with Navy Department	7	.....	.....	7	9	.....	1	10
To Post-Office Department	.....	.....	.....	.....	.....	.....	.....	.....
To contractors with Post-Office Department	.....	.....	.....	.....	.....	.....	.....	.....
To Medical Department	.....	.....	.....	.....	.....	.....	.....	.....
To contractors with Medical Department	3	.....	.....	3	4	.....	.....	4
To Treasury Department	.....	.....	.....	.....	.....	.....	.....	.....
To contractors with Treasury Department	.....	.....	.....	.....	.....	.....	.....	.....
To Niter and Mining Bureau	.....	.....	.....	.....	.....	.....	.....	.....
To contractors with Niter and Mining Bureau	3	.....	.....	3	181	2	12	195
Total	69	2	2	73	451	11	46	508

HEADQUARTERS CONSCRIPTION SERVICE, GEORGIA,
Augusta, September 13, 1864.

Respectfully forwarded to Brig. Gen. John S. Preston, superintendent Bureau of Conscription.

WM. M. BROWNE,
Colonel and Commandant.

DEPARTMENT OF JUSTICE,
Richmond, November 30, 1864.

The SECRETARY OF WAR:

SIR: The act of Congress of June 14, 1864, authorizes the Surgeon-General and Commissary-General, for the purpose of obtaining supplies of whisky, brandy, and other spirituous liquors for the Army and hospitals, to establish distilleries for the manufacture of the same instead of resorting to contracts. I learn from the papers transmitted by you that under the authority of the act the Surgeon-General has established a distillery at Buchanan, in the State of Virginia, for the purpose of distilling spirituous liquors exclusively for the Army and hospitals, and that the circuit court for Botetourt County, under the authority of a law of Virginia prohibiting distillation, has issued an attachment ordering the sheriff to seize and take into his possession the distillery, grain, and all the material belonging to the Government, and that a criminal prosecution has been instituted in said court against the officer having the management of the distillery for the Government.

Upon examination of the several statutes of Virginia upon the subject of distillation it would seem to be the better construction that the prohibitions which they declare are directed not against the operations of the Confederate Government in manufacturing spirituous liquors by its own agents and exclusively for its own use, but against those of private citizens distilling under contracts with the Government. But admitting this view to be incorrect and assuming the action taken in this case to be authorized by those statutes, then they are in this respect plainly unconstitutional.

Virginia, in common with her sister States, has accepted the Constitution of the Confederate States as her supreme law, which displaces and overrules all other conflicting laws. That Constitution confers upon Congress in the fullest and broadest terms the power "to raise and support armies." Of what avail is this power if it can be so easily rendered nugatory by State legislation? If the Legislatures of the States can prohibit and prevent any one of the steps necessary in the process of raising and supporting armies, they may prohibit and prevent them all. If they can prohibit the manufacture by the Government of hospital supplies, they can prohibit the manufacture of powder, arms, and all the munitions of war, and the enlistment of men, and so the whole war power of the Confederate Government would be prostrate at the feet of the State Legislatures. I deem it unnecessary to elaborate the argument, as the very point in question has lately been twice presented for the consideration of the Attorney-General and decided in accordance with the views here expressed.

I have the honor to inclose you copies of the opinions of 18th of December, 1863, and 7th of March, 1864, in which you will find the subject fully considered. In regard to the course to be pursued by the Government, upon which I am requested to advise you, as a conflict of force with the authorities of a State ought only to be resorted to in a case of extreme emergency, if ever, there is but one remedy left, and that is to defend the suits in the court below, and, if necessary, take them by appeal to the highest tribunal of the State. I have every confidence that they will be adjudicated by that tribunal with a due regard to the constitutional rights of the Confederate States, as well as to those of the State of Virginia.

As the Surgeon-General intimates that delay may be injurious, and as the Legislature of Virginia is so soon to assemble, I respectfully suggest that the matter be laid before the Governor, with a request that he will call it to the attention of the Legislature, and thus give them an occasion, of which I doubt not they will readily avail themselves, so to modify their legislation as not to interfere with the exercise of the just powers of the Confederate States.

GEO. DAVIS,
Attorney-General.

[Inclosure No 1.]

DEPARTMENT OF JUSTICE,
Richmond, December 18, 1863.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: It appears from the papers submitted for my opinion that in September, 1862, a contract was made with the medical purveyor, C. S. Army, by a citizen of Virginia to supply the Confederate Government with whisky for army purposes. On the 12th of March, 1863, the Legislature of Virginia declared it a penal offense for any person thereafter "to make or cause to be made any whisky or other spirituous or malt liquors out of any corn, wheat, rye, or other grain," and at a subsequent session, on the 31st of October, 1863, it expressly prohibited, under severe penalties, the fulfillment of any contract for making of ardent spirits which had been or might thereafter be made with the Confederate Government or any of its agents. The question presented is whether the present distillation of whisky from grain in Virginia under the contract subjects the contractor to the statutory penalties. It is a fundamental principle of our public law that sovereignty belongs only to the people of each State. The people of each State, by virtue of their sovereignty, have established two distinct governments—the State government, established by the separate action of the people of each State; the Confederate Government, by the people of each State, acting in a sovereign and independent character in conjunction with the peoples of the other States. Both governments were established for the benefit of those who created them, the State government for the benefit of the people of the State, the Confederate Government for the benefit of the peoples of the several Confederate States.

Certain powers were delegated to the Confederate Government, and certain powers were intrusted to the State government. It was not intended that either government should be a check or an obstacle to the legitimate action of the other, and hence it was declared that powers not delegated were reserved; and it was provided that the legitimate action of the Confederate Government should be the supreme law of the land. But neither government can act directly upon the other, except in certain judicial cases. They are distinct and independent governments, acting separately, but acting upon the same persons and the same things. Both are governments of powers limited in number, and in some cases at least limited in extent. The powers are express and implied, and so also are the limitations express and implied. Thus the power of the Confederate Government to raise armies cannot be so exercised as to destroy the State government by the conscription of the officers necessary to its existence; nor under the power to lay and collect taxes can Congress lay a tax upon a state-house, or upon a county jail, or upon the income

of a State. These are but examples. So a State government, though its power of taxation be unlimited by express words, cannot tax the amount of customs received by the Confederate collector at a sea-port town within the limits of the State, nor the dock-yards, nor the foundries, nor the amount of direct taxes in the hands of a tax collector of the Confederate Government. These are but examples also, and to them may be added this further illustration. The State government has the power, unlimited by express words, to define and punish future offenses, and yet it cannot punish as an offense an act which the Confederate Government has the power to authorize and which is done under its authority. If the party exceeds the authority under which he acts or the authority itself exceeds the power, the party is, of course, amenable to the State law for his action so far as it is not within the constitutional authority of the Confederate Government. Powers cannot be executed by the mere written expression of legislative will. Men must be employed to execute and means must be used to fulfill, and any men may be employed and any means may be used not expressedly nor impliedly prohibited by the principles of our public law. Thus, under the powers to declare war and support armies the Confederate Government is authorized to procure powder. It may employ agents to purchase it in foreign countries or it may establish mills and employ persons to manufacture it, or it may contract with citizens of the several States to manufacture it in mills of their own. There is no principle of public law which expressly or impliedly prohibits the Confederate Government from manufacturing powder within a State, nor any which prohibits the citizens of a State from contracting with the Confederate Government to manufacture it within the limits of a State. Nor is there any such prohibition upon the use of the materials employed in making powder. And therefore it is that a citizen of a State who is manufacturing powder exclusively for the use of the Confederate Government under a contract with it cannot be subjected to the penalties of a State law forbidding it. But if he were to manufacture also for himself or for other individuals or for other governments he would be liable to all the penalties of the State law. And so is the rule in regard to provisions, medicines, and other army supplies. Spirituous liquors being amongst the supplies required for the Army, my opinion is that persons who manufacture whisky in Virginia exclusively for the Confederate Government under a contract with it are not liable to the penalties of the State statutes. It is true that great frauds may be practiced upon the policy of a State under cover of such a contract. But all powers and trusts are liable to be abused, and abuse furnishes as little evidence of the non-existence of a power as the exercise of a power does of its existence.

Some of the difficulties in questions of this kind may be seen in McCulloch, of the State of Maryland, *et al.*, 4 Wheaton, 316; Osborn *vs.* the U. S. Bank, 9 Wheaton, 738; Weston *vs.* the City Council of Charleston, 2 Peters, 449; License Cases, 5 Howard, 504; Passenger Cases, 7 Howard, 283, &c., and in the works of John Taylor, of Caroline. It is easy to find cases which may readily be determined in favor of the State, and as easy to find cases which may as readily be determined in favor of the Confederate Government, but the difficulties are in ascertaining the principle upon which they are determined and in giving to that principle a precision of expression. Take these cases: The Confederate Government has the power to raise armies by conscription, yet it cannot conscribe and liberate a person imprisoned

under a criminal process of a State. It has the power to tax, yet it cannot lay a tax upon the public buildings of a State. It has the power to impress, yet it cannot impress the governmental property of a State nor property in the governmental use of a State. On the other hand, the State has the power to tax, and yet it cannot tax the Confederate ships of war which lie in its waters, nor can it tax a dock-yard belonging to the Confederate States, nor its foundries. It has the power to define and punish offenses, and yet, as has been said, it cannot punish an act done under the legitimate authority of the Confederate Government. In these cases it is the use of a person, or the use or ownership of a thing which excepts the person or thing from the operation of the other government. The use of a person by the Confederate Government, for example, does not discharge such person from other liability to State law. Hence, if the person employed by the Confederate Government to distill spirituous liquors commits murder or larceny, or exceeds, as has been said, the authority given in the particular case, he may be seized by the State and subjected to the penalties prescribed by its statutes. There are four classes of cases in which the exercise of powers may present questions of this kind:

First. Cases of exclusive power in one government.

Second. Cases of concurrent powers.

Third. Cases in which dissimilar powers are exercised upon the same person or thing.

Fourth. Cases in which the person or thing upon which the power is exercised is governmental, as in the cases above stated, of a state-house, &c.

In none of these cases, however, can there ever be a conflict of power, according to the true theory of the governments, for whenever there is a rightful exercise of power upon a person or thing by one government there is an absence of opposing power in the other. Many cases may be resolved by remembering, whether it be in one government or the other, that military authority is subordinate to civil authority, and that criminal jurisdiction is not affected by the other branch of civil authority, except where the civil authority itself is made penal, as in this case.

But I need not pursue the point. The contract was a lawful one at the time it was made, and the subsequent legislation of the State cannot have the effect to make the performance of it illegal and thus to render it null and void, for that would be a violation of the constitutional provision which prohibits a State from passing any law impairing the obligation of contracts. The prohibition is general, and excludes both executed and executory contracts. Any contract which can be impaired by a State law must, therefore, be an exception to the prohibitory provision. But there is no principle which excepts contracts with the Confederate Government for army supplies from the constitutional provision. The impairing of the obligation of such contracts is therefore prohibited to the States, and the prohibition in this way operates as a limitation upon the general powers of the States to define and punish offenses.

A State has, however, the undoubted right to make and enforce police regulations; not regulations which shall defeat the legitimate action of the Confederate Government, but regulations to inspect, for example, the conduct of the men and the use of the means employed by the Confederate Government, and to secure the punishment of any unauthorized action on the part of its agents, employés, or contractors

which is in violation of the State laws. Both governments in this way exercise their legitimate powers and all conflict is avoided, and thus that harmony of action is preserved which the people intended, and which every good citizen desires so earnestly to promote in governments equally his own.

In conclusion it is perhaps well to say that the ground upon which this case ought to rest is the first one, viz, that the Confederate Government has the express power "to support armies;" that any means may be used which are "necessary and proper" to obtain supplies for that support; that a contract with a citizen of a State is a means of obtaining them, and that it is a means both necessary and proper; that a State has not the power to forbid the fulfillment of a contract which the Confederate Government has the authority to make, and that, therefore, the act of the 12th of March does not apply to such a contractor, and the act of the 31st of October, expressly forbidding the fulfillment of such a contract, is a nullity.

Your obedient servant,

WADE KEYES,
Attorney-General ad interim.

[Inclosure No. 2.]

DEPARTMENT OF JUSTICE,
Richmond, March 7, 1864.

Hon. S. R. MALLORY,
Secretary of the Navy:

SIR: Your letter of the 3d instant informs me that the Navy Department is erecting a distillery in South Carolina for the sole purpose of distilling whisky for the use of the Navy of the Confederate States; that the Governor of that State has required your agent to discontinue the work on the ground that the laws of the State prohibit the establishment of distilleries, and the question you propose is, how far the State has the power to prohibit distillation for the purpose aforesaid. The question has very lately been before this Department and received a careful consideration. A contract had been made by the War Department with a citizen of Virginia to supply the Army with whisky. Afterward the Legislature of Virginia passed an act which expressly prohibited, under severe penalties, the fulfillment of any contract for distilling ardent spirits which had been or might thereafter be made with the Confederate Government or any of its agents. The question was submitted by the Secretary of War to the Attorney-General ad interim, Judge Keyes, who held, in an elaborate opinion (a copy of which I send inclosed*), that the act of Virginia was unconstitutional and void. In that conclusion I fully concur. That was the case of a citizen of the unwilling State contracting with the Government to furnish supplies; but the present case is much stronger. It is that of the Government itself, through one of its departments, manufacturing necessary supplies by its own agents and exclusively for its own use. I can see no foundation whatever for any authority in a State thus to obstruct the action of the Government. The States by their own voluntary consent have made the Constitution of the Confederate States their supreme law, before which all other laws must yield. That Constitution empowers Congress "to provide and maintain a navy." A State cannot prevent Congress from providing a navy by prohibiting the building of ships or the enlistment of seamen within

*Next, *ante*.

its borders. Neither can it prevent the maintenance of a navy already provided by prohibiting the procurement of the necessary supplies. Both powers are full and complete, and are limited only by the exigencies of the public service. They were intended to be beyond the control of the States, and they must be so, or else they become a mere nullity.

Your obedient servant,

GEO. DAVIS,
Attorney-General.

OFFICE COMMANDANT OF CONSCRIPTS,
Montgomery, Ala., November 30, 1864.

JOHN C. BURCH,
Asst. Adjt. Gen., Hdqrs. Reserve Forces, Montgomery, Ala.:

The unwillingness with which conscripts now take service in the Army, the tardiness with which men return to their commands at the expiration of furloughs, and the presence of a very large and increasing number of deserters from the Army, as well as the great reluctance with which citizens respond to the call for the impressment or employment of slave labor, make it absolutely necessary that officers employed in the conscription service should be supplied with an adequate and effective force to enable them to enforce orders prescribing and regulating their duties. There are now on the "Deserter book" of this office the names of 7,994 deserters or absentees from Alabama regiments in the armies of Tennessee and Northern Virginia. These names have all been recorded since the 1st day of April, 1864. The monthly report of this office for October, 1864, shows that 4,323 of these men have been returned to their commands, leaving 3,671 still reported as absent and in the State. Within the last two months, and since Atlanta fell, no lists of deserters have been furnished from the Army of Tennessee, though information from nearly every county of the State shows a large increase in the number of deserters and absentees from the Army, so that the number may be safely set down at 6,000, making an average of nearly 300 to the county. In many of the counties of this State bordering on Florida, Georgia, and Mississippi officers of the conscription service are totally unable to enforce orders, because of the presence of armed bands of deserters and tory citizens. In addition to the above, I have been furnished by Brig. Gen. D. W. Adams with a list of 351 absentees or deserters from eight companies of the Third Regiment of Alabama Reserves, whose furloughs expired on the 1st of November. These men are all over forty-five years of age and are residents of the counties of Marengo, Greene, Sumter, Pickens, Perry, Dallas, Shelby, Bibb, Tuscaloosa, Talladega, and Randolph. The lowest number of absentees given from any one company is thirty-seven; the highest sixty-nine.

No list has been furnished from one company of the regiment, as there are no officers present to furnish the list. Information from other companies of reserves shows a like number of absentees and deserters. These lists of absentees from the reserves exhibit proof of the fact that the orders of the major-general commanding and the Secretary of War are totally disregarded in some of the most wealthy and enlightened counties in the State. It devolves upon enrolling officers to return all those men to their commands and enforce the orders of the War Department in relation to the impressment and

forwarding of slaves, in addition to their legitimate duties of enrolling conscripts and forwarding them to camps of instruction. Under existing orders and regulations only one commissioned officer is allowed to a county, and he must be a disabled officer. Each disabled county officer is allowed three light-duty men as assistants and three men over forty-five years of age to act as members of the Advisory Board. One company, composed of old men or men unfit for field service, is allowed to each Congressional district as a supporting force. These companies, divided into detachments, give an average of about twelve or fifteen men to each county. These detachments have never been furnished with arms or equipments by the Government, though requisitions have been repeatedly made. They are only partially armed with almost worthless guns, such as could be picked up through the country. The supply of ammunition is very small, and, of course, entirely unsuited to the guns in a majority of cases. So the force in each county may be summed up as follows: Commissioned officers (disabled), 1; assistants (disabled soldiers), 3; Advisory Board (old men), 3; supporting force (old men and disabled men, unarmed), 15; total, 22. It is plain that more armed men are required to perform the labor now required of the Bureau of Conscription in this State, and unless material strength is added it will be impossible to execute orders with that promptness which the necessities of the general service so imperatively demand. The failure on the part of the reserves to reassemble in obedience to orders gives hope to the disloyal and great encouragement to deserters from the Regular Army to remain at home and resist authority. I have written this much with the hope that the major-general in charge of conscription in this State may be able to provide an adequate remedy or make such representations to the Secretary of War as will secure the same.

I have the honor to be, very respectfully, your obedient servant,

H. C. LOCKHART,

Lieutenant-Colonel and Commandant, Alabama.

[First indorsement.]

HEADQUARTERS RESERVE FORCES OF ALABAMA,
Montgomery, December 1, 1864.

Respectfully forwarded, earnestly invoking the attention of the Department to the deplorable condition of the conscript service in this State, as correctly represented in this communication. For the correction of the evil and enforcement of the laws the present system is most inadequate. A supporting force composed of parties unfit for field service or over forty-five years of age is absolutely worthless under the now existing circumstances. Those unfit for field service are physically incapacitated for the active, energetic, and continuous service demanded to be efficient; and those over forty-five years of age have no heart for the work, are discontented, undisciplined, homesick, selfish, and have shown themselves unreliable. In addition to the arms called for by the commandant (and which without radical changes in the system would avail nothing), if the Government will confer on me authority to raise and accept volunteer companies of boys sixteen years of age, officered by cadets from the university, and to organize into a brigade the entire reserve cavalry, so as to give force to the zeal of the boy companies, I do not hesitate to give assurances to the Government that the present disgraceful demoralization in the State, as truly

represented by Lieutenant-Colonel Lockhart, shall not be permitted to continue many months.

J. M. WITHERS,
Major-General.

[Second indorsement.]

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, December 28, 1864.

Respectfully referred for consideration of the Secretary of War.

There can be no doubt about the existence of the evils alluded to, but (as explained by Major-General Withers) the Bureau is without adequate means and agencies to remedy them. Perhaps the views expressed in the demerits of the material of the supporting force are too gloomy; but there is a difficulty about so officering them and controlling them as to attain energy and activity when we have to look mainly to disabled material. The practical suggestions of the general of reserves seem to merit consideration. As exhibiting the necessity for proper and sufficient material for this important work, it may not be inappropriate here to state that there has been issued from this Bureau since the 1st of September, 1864, a separate order in each case for the arrest and return of 30,000 absentees and deserters to their commands.

G. W. LAY,
Lieutenant-Colonel and Acting Superintendent.

[Third indorsement.]

DECEMBER 30, 1864.

ADJUTANT-GENERAL:

Do not the powers of the commandant of reserves authorize him to do all required above except organize youths of sixteen? I doubt the policy of that measure, and, besides, fear the President would not sanction officers so young, &c. Advise.

J. A. S.,
Secretary.

[Fourth indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
January 14, 1865.

Respectfully returned to the Honorable Secretary of War.

No returns or other information in regard to these supporting forces are forwarded to this office. They have been organized under the orders of the Bureau of Conscription, and were originally composed of light-duty men and men found unfit for field service. Since the reserves have been organized the generals commanding have been authorized to detail reserves for this service. It would seem, therefore, that General Withers has power to reform these organizations by the detail of men suited to the duty from the reserve force. Probably the demands for active service at Mobile have made it inexpedient for him to do so. If that be the case, it does not appear that any action of the War Department can remedy the difficulty, unless the organization he suggests be authorized. That authority would be contrary to the almost uniform policy of the Department.

By order:

JOHN BLAIR HOGE,
Assistant Adjutant-General.

[Fifth indorsement.]

JANUARY 23, 1865.

ADJUTANT-GENERAL:

Indorsement of Major Hoge approved. Answer General Withers, as suggested, and say that though the Department has doubted the policy of enlisting youths under seventeen, he is authorized with assent of parents to do so as far he deems expedient.

J. A. S.,
Secretary.

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, ———.*

Hon. WILLIAM PORCHER MILES:

MY DEAR SIR: In submitting a portion of my last report on the matter of conscription, together with a few other papers,† to your inspection, will you allow me to add, by way of indirect comment, some reflections on the policy of the laws? In these papers the question at issue is not whether Major-General Kemper or Brigadier-General Preston shall control conscription, nor even whether the general of reserves or the superintendent of the Bureau of Conscription shall administer the law of Congress under the instruction of the Secretary of War, although I think, with respect to the latter, a question ought to be firmly made. The true issue is, whether the law of Congress is that conscription is to be determined by pure military authority and administered by military force, and on principles of mere military regulation, or whether it is a law covering and protecting civil and personal rights, and at the same time providing that the wants of the Government are to be supplied by a process which, after adjudication, may be enforced by military power. To my mind there can be no clearer exposition of the meaning of the law than is fairly deducible from its affirmations and omissions. The predominant and pervading principle, inferable from every clause, is that Congress intended to make a law which would keep as distinct as (under the circumstances of the country) could by possibility be achieved the creation and maintenance of the armies from their organization and movement. The principle is one which no nation, wise toward its strength and liberty, has ever departed from, except under the exigency of despotic military rulers, or the "last extremity," as it was called in Rome, when dictators were appointed.

In ordinary wars, where levies are made for foreign or local service, it is a matter of course that armies are raised by ordinary civil agencies; but in wars in which the whole population and the whole production of a country (the soldiers and the subsistence of armies) are to be put on a war footing, where every institution is to be made auxiliary to war, where every citizen and every industry is to have for the time but the one attribute—that of contributing to the public defense—then there must be established new forms of power, fitted for the grave duty of directing and controlling these contributions, with least injury to the citizen, least danger to public liberty, and

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* Without date, but probably written late in November or early in December, 1864.

† Papers referred to not found as inclosures and not otherwise identified. But see Preston to Davis and Seddon, October 18; Preston to Seddon, October 20; Preston to Seddon, October 22; Preston to Campbell, November 3, and Preston to Seddon, November 5, pp. 737, 742, 744, 780, 785.

most vigor in the public defense. The Congress has cautiously designated what these contributions shall be, and because we are in the state, in the circumstances, of war, has designated their supreme war minister to administer them. It is just here, then, where, in view of the public welfare, the public liberty, and the public defense (and the fact that the two first are dependent on the strength of the last), that the wisest caution and most prudent direction are to be exercised. The supreme Congress must yield largely to executive and ministerial authority; but the case has never occurred in modern days when it was deemed necessary to yield to the extent of giving to military force the authority to determine the rights of citizens, and to choose the means of creating and maintaining the armies. After such rights and such means are indicated by law, and the war minister determines them in a state of war, the provisions of the public defense may be enforced by military powers. The executive and ministerial departments are then bound to decide on these rights and means, according to the law, by tribunals instituted in the spirit of the law, and to enforce them so as to meet the requirements of the condition (of war) of the country.

As yet I am not aware that any wise or honest executive has ever given that decision to their military commanders in the field (to those whose commands may be enlarged, or sustained, by violating these rights, or wasting the means of public defense and thereby endangering public liberty), and who are supposed to be absorbed in the appropriate duty of organizing, disciplining, and moving the armies, the creation and subsistence of which are provided for by the state. The practiced and skilled Adjutant-General, the organizer of the armies, recognizes this by declining to have anything to do with conscription except clerically—to issue the general orders concerning it—which is of itself an error; for the Adjutant and Inspector General, the organizer, should have not even this connection with the levying and maintaining of armies. The admirably wise General Lee, the military leader of the armies, recognizes this principle in his whole course. He calls on the Government for men and arms and subsistence. He does not send out brigades to decide who are the men the law allows him, or what the law prescribes, to make him arms and food. He asks for the things, not the making of them; that is the business of the Congress and of Mr. Seddon. The whole tone and terms of the great law of April, 1862, and its amendments, and the law of 17th of February, 1864, with marked and unmistakable caution avoid every approach to the faintest shadow of military conscription. They provide modes of creating, maintaining, and organizing armies by "An act to provide for the public defense," and "An act to organize forces to serve during the war," their main features being to provide the means of maintaining these armies by cherishing and forcing the industrial productions of the country. The Adjutant-General's Office, the military office of the President and the Secretary of War, is charged with organization into armies of the men and means provided by Congress, and with the instruction of the military commanders as to the discipline and movement of those armies. This is strictly military business.

But war is not confined to merely the military business to organize, discipline, and movement. War embraces the legislative action and the civil process necessary to the creation of armies; it embraces the Treasury, the Department of Justice, the civil and social institu-

tions, the industries and productions, the support and protection of the people. The military condition is a necessary, but merely incidental and partial, element of a state of war, and to be controlled always by the capacity of the country to maintain it. During the prevalence of that condition the machine of state must be conducted always with a view to the accumulated difficulties and dangers imposed upon it; and the armies are the result of the judicious working of the machinery, not the machine itself. Undertake to make or maintain armies by the means of the armies themselves and you establish military despotism or you certainly fail in the purpose. In free countries you will inevitably fail. No wise Government has ever permitted the experiment. Cromwell would not undertake it; and seventy years after his time England refused to allow Marlborough to enforce enlistments. But Bolingbroke, the war minister, created the armies with which Marlborough fought at Blenheim and Ramillies; and eighty years later (seventy years ago) Carnot, the war minister, sent 1,200,000 men to the borders of France, while French industry (the means of maintaining them) was improved beyond anything before known in France. In the intense state of war which exists in the Confederate States it is wise and necessary to refer every act of Government and to require, by law, every interest to be referred to strengthening the public defense by means of the military power. The efficiency of the public defense is made up of other elements besides the numbers of the military forces. Who shall judge of the aptitude and application of these elements? Surely not the military chiefs, whose vocation is to use them, not to make them. The absolute rule of all experience and logic is that the state makes armies, the generals fight them. A departure from this rule always has and necessarily must weaken the public defense and endanger the public liberty. And there can be no departure from it more dangerous than that of giving to purely military authorities the power to decide upon the necessities of the country in view of the maintenance of its armies.

Recognizing this course of argument and these principles, General Orders, Nos. 30 and 82, of 1862, and No. 26, of 1864, were issued. (It might be said very properly that these orders ought to have issued directly from the Secretary of War and not from the office of organization.) They gave a complete exposition of the purposes and policy of the laws and organized a system of administration of great innate energy. The impediments to their thorough execution have been the active opposition to the law by State authorities, the resistance of communities and individuals. The expanded territory and sparse population, the want of apt and efficient agencies, but above all, the interference, authorized and unauthorized, of the military authorities. I have no hesitation in saying that if there is a man to-day out of the service who ought by law to be in it, it is owing very largely to the failure to supply the conscription organization with proper agencies, to the authorized interference of military authority, and to the failure in recognizing conscription as disconnected from, independent of, and uncontrolled by military authority. I have doubted—even though we are in the "very circumstance" of war—the policy of employing officers holding military commissions in this service, except for enforcing the decrees of conscription tribunals. What these errors have led to west of the Mississippi is not of record. The pro-consul for that region is a wise statesman as well as a soldier,

and it is believed he has been prudent and judicious. The results east of the Mississippi are known, and the conclusions I have indicated are most unhappily sustained by them. Four States were harried for eight months by a loose army of 6,000 men under the name of a conscription organization; millions of dollars were expended, the country wasted, the people vexed, and scarcely a soldier sent to the armies. And yet, during the whirlwind of clamor and dust, it was gravely urged by the highest military officers that the same system should be established throughout the Confederate States. Fortunately for the public service the system collapsed, and yet while the Secretary of War was engaged in gathering up the fragments from the storm in the west it burst out again at Richmond, under the erroneous construction of General Orders, No. 73, 1864, and the series which followed that order. There never has been, there is not now, and there never can be any necessity for placing the matter of conscription in the hands of military commanders; and it should be provided against by law. With this provision of law I am thoroughly convinced that the time now is when the Congress should transfer to the Executive full authority to declare and decide what classes and what individual citizens should be selected to be sent into the armies, and on what terms and for what consideration other classes and other individuals should be exempted from that service. I believe the Executive can establish a system for recruiting and maintaining the armies so distinct from, so independent of, the organization and movement of the armies as to avoid all danger to the social economy and the public liberty; indeed, that it may be so organized as materially to check any danger which might arise from the supreme and universal domination of the military power. These are matters for that exalted statesmanship which should mark the deliberations in which you are called to act so prominent a part. They are above the sphere of my humble ministerial functions.

Very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

SPECIAL ORDERS, No. 285.

ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, December 1, 1864.

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XXVI. The general supply store in Richmond will not fill requisitions for the supply of troops in the field. All such requisitions will go as heretofore to the C. S. arsenal and will be filled there.

XXVII. Ordnance stores needed at the arsenal for the supply of troops in the field will be drawn from the supply store on requisition approved by the general commanding officer of the arsenal.

XXVIII. All issues to officers will be made at the supply store, and stores at the arsenal or any of its departments are not to be issued nor sold, but held subject to requisitions, except one complete set of arms and equipments as provided in paragraph 60, Ordnance Regulations.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CIRCULAR.] WAR DEPT., BUREAU OF CONSCRIPTION,
OFFICE INSPECTOR-GENERAL OF CONSCRIPTION,
Richmond, December 1, 1864.

SECTION I.

1. As modified in its organizations by recent orders, the system of conscription, involving the most vital interests of the country, must henceforth mainly depend for thoroughness of working upon the full and enlightened discharge of duty by the inspecting officers attached to the special service. If these can be brought to realize the character and scope of their office, they will appreciate that seldom, if ever, in the history of nations, have trusts so delicate and weighty been assigned to commissions so unpretending in rank and title. It will be their duty, by searching inquiry, to ascertain for the final action of higher authority how the balance has been or should be adjusted in their respective districts of observation between the recognized demands of armies in the field, the necessities of manufacture, transportation, production, and supply, and the claims of law, equity, and humanity. In brief, they are to be the official advisers as to how every man shall be required to pay, and can most usefully pay, his tribute to his country's cause, whether in the first rank, or in the second class, or exclusively in industrial and mechanical pursuits that from their nature admit of no interruption. To attain these ends a power of censorship unparalleled in modern times, has been accorded to the War Department in the conduct of the conscript service, in view of public perils and needs such as have seldom appealed with equal force to the whole mass of any people. If such appeal fail to awaken in the class of agents herein addressed a pervading and ever-stimulating sense of patriotic duty, any system of regulations that may be propounded must likewise fail of effect.

2. The indications of paragraph IV, General Orders, No. 73, 1864, that inspectors should be appointed for each Congressional district, will be construed as an absolute direction.

So soon as the working of the system under the supervision of district inspectors can be tested, it will be the duty of generals of reserves and commandants of conscripts to report to this Bureau the names of all inspectors who appear to be, for any reason, inadequate to their position, and to ask for the substitution of other suitable officers, nominating such, if known and eligible. The assignment to such positions is a measure of selection, terminable at will, and no formality of charges or trials is requisite to rid the conscript service of subordinate agents who may fail to give satisfaction to the superiors responsible for their efficiency.

3. Some instructions are herewith subjoined (with an appendix) as landmarks for the guidance of inspecting officers in their path of duty and of study. These are, however, by no means exhaustive. No treatise of moderate dimensions could exhaust so vast a scheme, into which so many elements enter, and so many modifications have at intervals been introduced. It will be demanded of these officers that they shall bring to bear education, intelligence, patience, and study enough to master the system as developed in successive published orders and current instructions.

To furnish a convenient manual of reference for principles, a selection of laws, orders, and circulars is herewith printed as a digest of what may be styled the general law of the system of conscription.

For variations and minutiæ, officers must depend on their own study of general orders, and special indorsements of instruction, in the official files and books of record, many of which have never been in print.

SECTION II.

1. An officer of this Bureau will be on duty as chief of the inspecting department of the conscript service. Any letters asking information or instruction on special questions of principle, or as to their general duties, may be addressed to him by all officers on inspecting duty; but, ordinarily, the generals of reserves, commandants of conscripts, or State inspectors will be addressed for such information. District inspectors will transmit to this office direct a copy of each periodical or other important inspection report rendered by them to their immediate superiors.

2. As early as practicable one or more inspectors will be appointed for each State as auxiliary officers of this Bureau. They will be subject to no other authority than that of the War Department, acting through the superintendent of conscription; and their communications will be made direct to the inspector-general of conscription at the Bureau. Their duties will be those of thorough inspection and supervision of the whole administration of the conscript service, and of the qualification of its officers (especially the district inspectors), reporting monthly the results of their month's observations. They will be authorized to correct any errors of enrolling or inspecting officers by issuing special instructions in conformity to existing regulations. In any case, however, of supposed error, where the enrolling officer is acting in the matter under express orders from the State commandant or general of reserves, the State inspector will take no further step than to report specially, for the action of higher authority, his views as to the necessity or propriety of changing or modifying such orders.

The principles hereinafter laid down for the guidance of district inspectors will also serve to guide the State inspectors.

SECTION III.

1. The leading duties of the inspecting officers may be classed under the general heads of visitation, scrutiny, revision, and report.

2. Visitations will be about equally distributed, but at unequal intervals and uncertain times. This system will afford the best practical test whether the local enrolling officers and their aids attend habitually at their posts of duty. Such constant attention is the primary and indispensable guarantee for the faithful discharge of duty. The subordinate agents of conscription should be made to realize that while their fellow-citizens in the field must hug their muskets day and night, in camps or in trenches, hot or cold, dusty or wet, it is deemed no hardship to exact from those at home a devotion of all day and every day to less trying tasks. The whole time of every conscript officer will be demanded to be bestowed on his own branch of service, and no diversion of any portion of it will be tolerated any more than in the case of a soldier in the field. No loose system of accumulating superfluous numbers at local offices and then dividing duty into reliefs is to be tolerated. Neither will any furloughs be recognized as valid if emanating from any authority less than that of the State commandants.

Wherever the inspecting officer finds a county enrolling officer on duty in the county of his own residence or estate (contrary to the general though not invariable rule respecting assignments) he will note and report the fact, and the reasons existing for the special exception, and will be vigilant to ascertain whether the circumstance of such location has led to absences detrimental to the interests of the service or to the convenience of the public. He will also specially note if there is reason to believe that the office is used to gratify neighborhood partialities or animosities, or if such impression prevails.

3. The scrutiny of the inspecting officer will be directed primarily to the punctuality, formality, accuracy, and fullness of the various registrations, correspondence, and reports demanded by existing regulations from enrolling officers, and to the industry and intelligence bestowed by them upon the collection of required information and in the execution of orders generally. He will often find occasion to correct the loose practice of mentioning an individual as "Lieut. A. B." simply, instead of describing him as First Lieut. or Second Lieut. A. B., of such and such a regiment or special service. He will often have occasion to impress the necessity of describing the antecedent as well as the present status, as, for example, in the case of a man over forty-five, when it should be stated whether or no he had been called on for military service before reaching that age and thus became liable to retention in service of the first class after reaching it. He should ascertain whether the local officer in forwarding applications to higher authority habitually completes the information of all descriptions due in the case, and accompanies it by a distinct and studied opinion or recommendation founded upon personal investigation. It is to failures in these respects—at the fountain head—that injurious delays and sometimes errors in the disposition of cases are usually due. The inspector will be relied on to act, to a great extent, as instructor to the enrolling officers, imparting and explaining, in a kind and patient spirit, the rules of a difficult system. It should not be too hastily assumed that imperfection has resulted from neglect or ignorance from incapacity. After a fair trial should follow an honest report of censure on all unfit agents. In cases where culpable misconduct is charged facts, names, and dates should be set forth as fully as known, in order that prosecutions may be instituted.

Any intelligent inspector will perceive that upon the fidelity, impartiality, and (within limits) considerate kindness with which the system is administered must depend, in great measure, the spirit in which the community will accept the claims of conscription; and it will be no small part of his duty to see that enrolling officers respect public feeling and individual rights, in manner and in substance. He must also appreciate and enforce the importance of exact data and full information in every case, that the action of the conscript authorities may be not only right, but susceptible of vindication against attack or misconception.

The organization of the local offices will be a periodical subject of inspection, to see that among the enrolling officers and their aids are found no persons liable to and capable of service in the field, unless specially so assigned by the War Department or by this Bureau.

In regard to all citizens not in the Army, the bulk of cases to be examined is divisible into two classes: The one of claims for exemption under laws mandatory and absolute (during the continuance of the cause of exemption and of compliance with its conditions); the other of claims or applications for temporary exemptions or details,

as to which the law is permissory only, and which are at all times terminable at the discretion of the authority issuing them.

In regard to the first class (of exemptions claimed by law), the inspector must study and enjoin the principles of the Bureau circular of March 30, 1863, the capital points of which are that every citizen is entitled to the full benefit of the prescribed medical examination as to physical and mental capacity for service; that affidavits of parties affirming non-liability, of age or domicile, are not to be accepted as proof in doubtful cases, but have yet the force of suspending action and securing further investigation, with reference to higher authority for final decision; and that no one claiming exemption with any plausibility on grounds of the foregoing character is to be held to service pending the inquiry.

A special subject of attention will be the compliance of that class of exempts known as "bonded farmers" with the third condition of paragraph IV of section 10 of the act approved February 17, 1864, and published in General Orders, No. 26 (same year). With every periodical report of the inspector he will be required to mention what inquiries he has made on this head and with what results; nor will such reports be vague and general, but as individual and circumstantial as possible.

In regard to the second class (temporary exemptions or details), two leading rules are to be enforced. No application for the originating a new detail or continuing a revoked one will, under existing regulations, authorize suspension of action nor delay in sending the party to the field. No existing detail will be allowed to continue if its necessity be doubted or if its conditions appear not to be observed without a report to higher authority suggesting its revocation or a further inquiry in relation to it, nor will any irregular detail be respected for a day. All parties having control of detailed men must be made to understand that it is at the peril of their own interests if they slur over or neglect the requirements imposed on them in the premises. It will be held as prima facie evidence that a detail ought not to continue when the time of the party detailed is not devoted continuously and exclusively to the object assigned. Traveling physicians or school-masters, absentee detailed agriculturists, and any parties engaged in trade, commerce, or speculation while holding details will be treated as suspicious cases. The opinion and testimony of neighbors, if sought for, will usually lead to the truth. The inspectors will be full in their reports on such cases, and where an employé of any officer is concerned he will report the officer's name, corps, rank, and station.

Inspectors in acting under the first paragraph of General Orders, No. 81, current series, will not order to camp any parties holding certificates or details of a date subsequent to October 8, 1864, but will limit themselves to making a report of any such cases in their opinion falling within the spirit of the order, with the reasons for such opinion.

The detection and return of deserters and stragglers from the Army is one of the most important tasks imposed on the conscript officers and reserve forces, as also the prosecution of offenses (against Confederate or State laws) in the procuring or enticing of desertion, and the harboring of deserters. Every case of furlough or leave of absence overstaid is a prima facie case of desertion, wherever there has been a failure to comply with the provisions of the general orders of the series of 1863 (numbered, respectively, 51, 69, 141, and 157), or such of them as are applicable. The grade of commissioned officer

will afford no protection against inquiry and report on this subject, nor even against custodial detention, where prolonged absence or suspicious appearances indicate a purpose to escape across our lines. This latter power must, however, be used with delicacy.

There exist in some States auxiliary statutes to second Confederate provision against the act and the harboring of desertion. The inspector must, by conference with the State authorities, learn the practical mode of working these and impart instructions to the enrolling officers. The Confederate States district attorney will be a proper person to consult.

The collection of arms or other warlike property that ought to be in Government hands will be another subject of attention.

The inspector will entertain and transmit, with his own views, to higher authority any collective appeals from respectable sources in favor of peculiar local exigencies within his district of observation, as, for instance, where the region has been unusually and extremely devastated, and the white male population is in unduly scanty proportion, or, in general, wherever special needs for subsistence or production seem to invite a relaxation of general rules. Such reports will, however, be valueless without somewhat minute statistics.

The action of medical examining boards will so far occupy the inspector as to call for inquiry and report whether their time is diligently and continuously applied to the prescribed objects, and whether their sessions are arranged with a proper view to the interests of the service and the convenience of the community. Over their judgments, under the law, as experts, upon questions of physical capacity, he can exercise no supervision further than to inform himself, from public report or by the investigation of criticism or complaint upon individual cases, whether there is reason to attribute a probable want of capacity or of good faith to the boards. Should his judgment be unfavorably impressed, he will report any matter that has reached him as a basis on which inquiry may be instituted, by higher authority, into the qualifications and fidelity of the medical examiners.

To guard against erroneous views which have had some prevalence, the inspectors are desired to bear in mind and teach to others the true doctrine of the exact effect of such certificates of disability as declare its cause to be permanent. These are not subject to dispute or review, unless in the special conditions and modes set forth by general orders. But, in practice as in theory, they will not be accepted as releasing the holders from all future claim by the Government on them for military service, nor as removing all objection to their quitting the country. Such exemptions are terminable, for the Government has released its lien on the parties for service only during the actual (not the probable nor speculative) continuance of the disability. Hence the holders are bound (unless it be otherwise ordered by the War Department in individual cases) to remain within reach of that call for re-examination to which they are at any time liable.

On any issue as to the legal right of a conscript to be discharged from military custody, the decree of a civil court will be respected in the individual case, but will not be a rule of action for the conscript officers, who must look to the Confederate Government for the construction of its laws. The release of A or B under mandate of a court will not prevent the conscription of C or D in like conditions,

although the latter will in turn be yielded should the courts so specially decree. Where the judgment of inferior courts on questions of law is adverse to the Government claim, appeal will be taken to the higher courts. General Orders, No. 31, 1864, contain ample instructions on the questions of custody and proceeding. If doubt or difficulty arise the Confederate States district attorney should be asked for legal advice when practicable.

The foregoing enumeration includes some of the subjects only on which enrolling officers are to be enlightened and guided. From the omission of others it is not to be inferred that they do not exist. The inspector's own study of the service must disclose them to him.

4. Revision, by observation, inquiry, and report of all that has been doing in the local administration of the conscript service, and which may seem to require reconsideration, will be the continuous duty of the inspector. In exercising this office he is not expected to countermand what has been done, but only to inform higher authority what goes wrong. In some cases he may interfere, by instructions, under the principles laid down for the government of State inspectors in paragraph 2, section II, of this circular. The leading subjects to occupy his attention have been indicated in the remarks under the head of "Scrutiny." Minute inquiry is involved into the personal circumstances, occupations, and transactions of parties detailed and exempted, and into the conduct (so far as their employment of conscript material is concerned) of workshops and other establishments by Government officers and contractors. These tasks will be irksome, often painful, and might be well-nigh odious, if their recognized necessity and importance (in the circumstances of the country) had not already redeemed, justified, and dignified them, even in the enlightened eyes of a people little used to such censorship. The utmost delicacy of feeling and manner compatible with duty is, however, due in its performance.

5. Reports will be made at the end of each month by the inspector, setting forth his observation of the local administration of the conscript service in so much of his district as he has been able to visit during the month. As tabular statistics are required to be furnished monthly by enrolling officers to commandants, only a statement of general results will be looked for from the inspector.

Reports on individual cases or separate investigations demanding special review will ordinarily be made the subject of separate communications.

While the views of the inspector are invited as to the policy of changes in laws or general orders, such matter will be presented for consideration apart from any remarks on the administration under existing rules. In this way only can he fully avoid the appearance of censure on officers for faults or defects as to which they are not responsible if carrying out orders.

SECTION IV.

This circular with its appendix will form a manual, which the inspector will always keep about him for his own information and that of others. If relieved he is positively enjoined to turn it over to his successor, whose duty it will be to demand it.

For ready reference a list of subjects in their order, embraced in this circular, is added in a postscript;* also with the appendix will

* Postscript omitted.

be a list of the subjects touched on in the digest of laws, orders, and circulars, in their order of publication.*

SECTION V.

Lieut. Col. G. W. Lay, assistant adjutant-general, has been assigned to duty as inspector-general of conscription at this Bureau, or in traveling under its orders.

Reports and communications to this Bureau on the business of inspection from all officers of the conscript service junior to the generals commanding reserves will be addressed to him accordingly. On the upper left-hand corner of the envelope will be indorsed the words "Inspection service."

The foregoing instructions have been drawn up by direction of the War Department.

G. W. LAY,
Lieut. Col., Asst. Adjt. Gen., Insp. Gen. of Conscription.

Approved.
By command of the Secretary of War:

JNO. S. PRESTON,
Brigadier-General and Superintendent.

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*The appendix (here omitted) consists of the following papers:
General Orders, Adjutant and Inspector General's Office.—1862—No. 82 (with this note in addition: "N. B.—1. At the date of this order there was no Bureau of Conscription. With the subsequent establishment of that Bureau, December 30, 1862, the general powers vested separately in the several State commandants of conscripts, as representing the authority of the War Department, under this order passed into the hands of the collective central authority of the Superintendent of Conscription. 2. For the principal modifications of the laws of conscription and exemption herein cited, see General Orders, No. 26, of 1864"), November 3, Vol. II, this series, p. 160; No. 112, paragraph I, December 30, *ibid.*, p. 266. 1863—No. 3, January 9, *ibid.*, p. 308; No. 22, February 23, *ibid.*, p. 408; No. 30, March 18, *ibid.*, p. 430; No. 32, March 21, *ibid.*, p. 448; No. 116, paragraphs I and II, August 31, *ibid.*, p. 777; No. 119, paragraphs I and II, September 7, *ibid.*, p. 793; No. 122, paragraph II, September 11, *ibid.*, p. 801; No. 125 (except last paragraph), September —, *ibid.*, p. 827; No. 141 (except last paragraph), October 29, *ibid.*, p. 913; No. 147, November 17, *ibid.*, p. 962; No. 150, paragraph II, November 21, *ibid.*, p. 972; No. 153, November 25, *ibid.*, p. 990; No. 157, paragraph II, December 1, *ibid.*, p. 1021. 1864—No. 2, January 5, Vol. III, this series, p. 3; No. 7, January 23, *ibid.*, p. 40; No. 11, February 1, *ibid.*, p. 66; No. 16, February 6, *ibid.*, p. 83; No. 22, paragraph IV, February 23, *ibid.*, p. 163; No. 26, March 1, *ibid.*, p. 178; No. 29 ("An act to prevent the procuring, aiding, and assisting persons to desert from the Army of the Confederate States, and for other purposes," only), March 5, *ibid.*, p. 189; No. 31, paragraphs III and IV, March 10, *ibid.*, p. 203; No. 33, March 15, *ibid.*, p. 212; No. 35, paragraphs IV, V, and VIII (with the following foot-note: "For correction of paragraph V of this order, see paragraph VI of General Orders, No. 42, 1864"), March 19, *ibid.*, p. 229; No. 40, March 29, *ibid.*, p. 255; No. 42, paragraphs VI, VII, VIII, and X, April 14, *ibid.*, p. 297; No. 45, paragraph IX, May 2, *ibid.*, p. 369; No. 48, paragraph V, May 27, *ibid.*, p. 449; No. 53 ("An act to furnish transportation to officers of the Army and Navy while traveling under orders," only), June 17, *ibid.*, p. 491; No. 57 (with exception of paragraphs IX and XI–XIII), June 30, *ibid.*, p. 517; No. 59, paragraph V (with the following foot-note: "See General Orders, No. 63, 1864, paragraph III"), July 8, *ibid.*, p. 534; No. 63, paragraphs I and III (with the following foot-note: "Paragraph I amended by General Orders, No. 67, 1864, paragraph V"), August 6, *ibid.*, p. 571; No. 67, paragraph V, August 16, *ibid.*, p. 592; No. 69, August 27, *ibid.*, p. 606; No. 71, paragraph I, September 6, *ibid.*, p. 623; No. 73 (except last paragraph—with the following foot-note: "For paragraph IV, see paragraph XI, General Orders, No. 83, 1864"), September 22, *ibid.*, p. 675; No. 77, October 8, *ibid.*, p. 715; No. 81, October 14, *ibid.*, p. 734; No. 83, paragraphs I, II, IV, and XI, November 1, *ibid.*, p. 749; No. 84, paragraphs IV and V, November 21, *ibid.*, p. 835. Circulars, Bureau of Conscription.—March 30, 1863, Vol. II, this series, p. 463; No. 3, January 19, 1864, Vol. III, this series, p. 36; No. 8, March 18, 1864, *ibid.*, p. 217. Circular letter to generals of reserves, November 25, 1864, *ibid.*, p. 847.

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., December 1, 1864.

Maj. P. MALLETT,
Commandant of Conscripts for North Carolina:
(Through Lieut. Gen. T. H. Holmes.)

MAJOR: Your letter of the 24th of November has been received. It is a matter of painful regret that the consolidated monthly reports from May to September should be acknowledged to be so utterly false and unreliable. They have already been forwarded to the Secretary of War and certified by me as the exact condition of the service within your command. They have been submitted to the President and Congress under like certificate. The gross errors now admitted falsify the solemn returns of this Bureau. Your explanation cannot be accepted as a palliation even of these errors. Article X of Circular No. 8, of 1864, of this Bureau, expressly and positively orders the exemption of State officers to be given by the commandant of conscripts. You admit them to have been given by enrolling officers. Article VII of that circular provides the mode of issuing certificates on account of physical disability, which mode brings such exemptions directly within the records of the commandant's office. Article VIII provides very distinctly for the proper record of the most essential classes of exemptions. The second paragraph provides expressly that the class therein mentioned shall receive exemptions direct from the commandant of conscripts; so with the class under the third paragraph. Under these plain provisions of the orders of this Bureau it cannot be admitted that false returns of enrolling officers, persisted in for five months, afforded a sufficient explanation for the certificate of those returns made in the consolidated reports of the commandant.

I am, major, very respectfully, your obedient servant,
JNO. S. PRESTON,
Brigadier-General and Superintendent.

CIRCULAR
No. 77.

CONSCRIPT OFFICE,
Richmond, December 1, 1864.

In entering upon your duties many of you have made inquiries and asked for information upon various points. Instructions for the entire service will, it is supposed, be issued at an early date and forwarded to you, in which all the important duties intrusted to you will be clearly and accurately defined.* Doubtless these instructions will contain a reference to and digest of all the general orders and ruling decisions of the Department governing this branch of the service, embodied in a brief and convenient form for reference. To relieve you from any embarrassments, however, it is my duty, as far as I can, to furnish you with sufficient information to enable you to proceed in harmony with what will be your instructions hereafter from higher authority. You are informed that Major-General Kemper, in charge of conscription in Virginia, under the provisions of General Orders, No. 81, Adjutant and Inspector General's Office, directs that you be intrusted with the execution of so much of that order as is embraced in paragraph I. I need not remind you that this is an important and delicate trust, requiring great prudence and the exercise of a sound discretion. Although I have no written instructions

*See p. 887.

by which to direct you, yet I would advise you not to take any action at this time in reference to parties exempt by surgeon's certificate and detailed as light-duty men since the publication of General Orders, No. 77, Adjutant and Inspector General's Office, current series. It is tc be presumed that persons who have reported under that order, and who have been discharged or found for light duty by the select boards appointed under paragraph III of the said order, should not be liable to the inspection required by General Orders, No. 81. In reference to this matter, however, the general instructions to be issued will give you all the necessary information.

As before stated, I think it advisable to suspend action in all such cases unless it is very evident that the detail or exemption should not have been granted, and until the general instructions are received you had better make special report in each case which in your opinion requires immediate attention. If it should be supposed that the Department in dispensing with the services of the district enrolling officers intended to signify that the duties performed by such officers were not of great importance to the service, the conclusion would be erroneous. On the contrary, it is the object of the Department to effect by the change a more rapid execution of orders and to ascertain more directly whether the enrolling officers are prompt in the performance of their duties. To effect this end, as well as for other important considerations, the office of district inspector was created. A full, complete, and accurate monthly return from the enrolling officers will be required, and it will be your duty to see that such returns are made promptly to this office, and in case of failure you will report the fact without delay. It is unnecessary to go over in this circular all that is required in the regular monthly report. The instructions to the enrolling officers are full and complete in this particular, and in connection with this branch of your duty your attention is directed to Circulars Nos. 75 and 76 from this office, copies of which are inclosed. It will be your duty in the inspection of the office books, &c., of the enrolling officers to see that not only all the reports and returns are made required by the general instructions emanating from higher authority, but that Circular No. 75 is complied with in every particular.

It must be shown, both in the report of the local officer and your own, by what authority, stating the number of the order, &c., every officer, non-commissioned officer, private, or unassigned conscript has been assigned to this service. The guards being detailed both from the Army rolls and from the camp of instruction, it will be your duty to make a roll similar to the muster and pay roll of the Army, observing the necessary classifications, especially alterations since the last muster and inspection. This roll will he required at the end of every even month. No man detailed for this service will be mounted unless it is in your opinion necessary, and upon the muster-roll opposite to the name of the party it will be stated whether he is mounted; if so, by what order. You will make a monthly report of the number of horses necessary for the officers and guards and actually in service in your district, in order that arrangements may be made with the Quartermaster's Department for a regular issue of forage for the same. It will be recommended that the forage for the entire force shall be issued upon your requisition, and at such convenient points as you will designate. This course is rendered necessary because some

enrolling officers are not commissioned officers. If in the commencement of your duties you should find the guard unequally distributed in the counties of your district, you will make such disposition and apportionments of it as the good of the service may seem to demand, concentrating them for any purposes whenever in your opinion it is necessary for this branch of the service; but all detailed men assigned to the conscript service come under the regulations governing local organizations which are effected by the county commandant.

In this connection attention is called to Circular No. 8, headquarters Reserve Forces of Virginia, a copy of which is inclosed. In reference to organization, equipment, mustering, and the regulations of the guard, you will adhere to the system established for companies in the field, and in this particular all the duties of a company officer are enjoined upon you—such as property returns, reports of arms, accouterments, ammunition, &c., adhering strictly to the Army Regulations. Until all these regulations are complied with it will be impossible to issue any property or clothing for the men, and it would be necessary that each man assigned to the service should have a descriptive list, and its correctness certified to by the proper officer. Should rations be drawn by any of the men detailed on this service it must be upon your requisition or approval, and care must be taken in certifying to the correctness of accounts for commutation that parties who have drawn are not included. You are informed that the entire service in your district falls within your duties as inspector, and for this reason it would be necessary that the medical boards should be in direct communication with you and that you should be informed of their appointments for examination, establishment of rendezvous, &c. To secure concert of action a copy of this circular will be forwarded to the boards for their information. You will observe that it will be impossible to enter upon a regular and systematic course of action, with regard to the payment of detailed men on this service, until your reports and muster-rolls are received. You will, therefore, have much work to do in the month of December, and it is earnestly desired that there shall be no delay or lack of activity on your part. The duties of the district inspector are varied and important. While he will be held to a strict accountability for the discharge of specified duties, he occupies a position which will enable him to render other important service.

From officers of your experience and intelligence much is expected, and I confidently hope that the record of your future services will prove that this confidence has not been misplaced.

J. C. SHIELDS,
Lieutenant-Colonel and Commandant.

(To Congressional District Inspectors.)

CIRCULAR No. 35.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, December 2, 1864.

Generals commanding reserves in the respective States will proceed forthwith and with the utmost vigor to organize for "continuous local service to be mustered in for the war" companies to consist of all men found for light duty and not otherwise assigned and actually employed, of men transferred to the Invalid Corps and found fit for the duties

hereinafter indicated, and such men as are temporarily disabled for field service. The men of this latter class when found ready for the field to be forthwith restored to their proper commands. These companies, to consist of not less than sixty men, and officers of the Reserve Corps will be assigned by the generals commanding to a thorough inspection of them and the muster-rolls forwarded to this Bureau. Upon their reception the Secretary of War will assign officers to the command of the companies. It is the purpose of the War Department to assign these companies to duty as guards at posts, prisons, camps of instruction, on railroad trains, and such like service.

Prompt action is required of officers charged with the duties herein prescribed.

By command of the Secretary of War:

C. B. DUFFIELD,
Assistant Adjutant-General.

Resolved, That the President of the Confederate States be respectfully requested to inform the Senate whether any and what restrictions have been imposed upon the exercise of the right of the Confederate States, or any of them, to export on their own account any of the articles enumerated in the act entitled "An act to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense," approved February 6, 1864. Also, whether the regulations made under the first section of said act have caused any diminution in the number of vessels engaged in foreign commerce. Also, whether the said act of Congress, and the regulations made under its authority, have been beneficial or otherwise in their effect on the success of our arms and the supply of means necessary for the public defense. Also, whether experience has suggested the necessity of the repeal of said act of 6th of February, or any modifications or amendments of its provisions.*

[Passed December 5, 1864.]

GENERAL ORDERS, No. 86. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, December 5, 1864.*

I. The chief of the Bureau of Conscription will continue with all practicable dispatch to bring into service the 20,000 slaves authorized by the act of Congress approved February 17, 1864. Enrolling officers will prepare correct lists in duplicate of the names, personal description, and ascertained value of the slaves, the county, district, or parish in which and the time when each was impressed, the name of the owner of each, and of the impressing officer. One of these lists will be forwarded monthly to the commandant of conscription in the State to which the slave belongs and the other to the superintendent of the Bureau, each of whom will cause them to be copied in some uniform manner convenient for reference.

II. When fifty or more slaves shall have been collected at any one station they will be forwarded, under the charge of discreet men detailed from the reserve forces, to such point as the superintendent

*A similar resolution was passed by the House of Representatives December 6, 1864. For reply thereto, see December 20, p. 948. A like message was sent to the Senate December 17, 1864 (here omitted to avoid duplication), in response to this resolution of December 5.

of conscription may direct, and turned over to the engineer officer instructed to receive them, for labor in the engineer and other departments of the service. A copy of the descriptive roll of each slave will accompany his delivery to the engineer officer.

III. The chief engineer of each army or military department will, under the direction of the Engineer Bureau, have the general supervision and control of the slaves, and will organize them into gangs of 100 men each (selecting four of the number as foremen), over whom will be placed a manager and two overseers. Every eight gangs will constitute a section, for which a superintendent will be selected. Three sections will compose a force, over which will be placed a director. Two clerks will be employed or detailed for each director, and one for each superintendent.

IV. The directors, superintendents, managers, and overseers will be detailed or selected by the Secretary of War from men qualified by experience in the management of slaves, and who are fitted for the positions by their character for probity, energy, and intelligence.

V. There will be assigned, by orders from this office, a purveyor to each force and an assistant purveyor to each section, who will provide subsistence, clothing, and other necessary stores, making requisition therefor upon the Quartermaster's and Commissary Departments. These will be bonded agents. In like manner a medical officer will be assigned for each section, who will obtain supplies for the slaves from the Medical Department upon requisition as prescribed for surgeons and assistant surgeons of the Army. Provision returns and requisitions for quartermasters' stores will be signed by the manager, and when approved by the superintendent the purveyor of the section will make the issue.

VI. The Engineer Bureau will detail an officer of the engineer service, for each army or department, to organize, inspect, and muster the gangs, sections, and forces, and to make details of working parties in such number and for such objects as may be ordered by the commanding general. In this manner details of slaves will be made to perform labor in other departments of the service, it being intended that all such slaves shall be nder the management and supervision of the Engineer Department. When slaves are detailed in other departments than the Engineer Department the manager will send with them descriptive lists, retaining their names, however, upon his muster-rolls.

VII. Managers will prepare a muster-roll and duplicate muster and pay rolls of the slaves on the last day of every even month. The first will be transmitted to the chief of the Engineer Bureau, the muster and pay rolls to the Quartermaster-General. Each will be forwarded through the superintendents, who will be held responsible for their correctness. The ascertained value of each slave will appear upon both the muster-roll and the muster and pay rolls. The rate of pay will be determined by agreement with the owners or by appraisement, as provided by law.

VIII. The value of the slave will be ascertained at the time of impressment, after careful medical examination (under rules prescribed by the Surgeon-General), by agreement between the enrolling officer and the owner, or by appraisement under the law regulating impressments, that, in the event of his loss while employed by the Government, "by the act of the enemy or by escape to, or by death inflicted by the enemy, or by disease contracted while in any service

required of him," his owner may receive his full value from the Government. Slaves already impressed and in service without previous appraisement or ascertainment of hire, or who may hereafter be impressed or received without appraisement or special contract, will be appraised and their hires will be fixed by boards of disinterested slave-holders selected and organized by the Engineer Bureau. Enrolling officers will impress upon owners the propriety and advantage of having their slaves provided with one good new suit of clothing before they are turned over to the Government, the value of which will be estimated in the appraisement.

The loss of a slave from either of the causes enumerated, and the time and manner of it, will be reported in triplicate by the manager of the gang to which he belongs to the chief of the Engineer Bureau. He will at the same time note the casualty upon the next muster-roll.

IX. At the expiration of every six months the Quartermaster-General will send an officer to convenient places in each State to pay owners or their attorneys the hire of their slaves or, if lost, their appraised or agreed value.

X. Every effort will be made to induce contentment in the slaves. Their discipline will be considerate and mild for minor offenses. Cases of a grave character will be forwarded for the determination and instructions of the chief engineer of the army or department, who will in the meantime prepare and submit for the approval of his commanding general a code for the government of managers and others in charge of the slaves.

XI. The commanding general of each army or department will promptly remove and order to the ranks any manager or other employé having the supervision of slaves who is guilty of cruelty toward them, or malfeasance or of malpractice, and will impose such other penalties as the offense would justify under the Ninety-ninth Rule and Article of War.

By order:

S. COOPER,
Adjutant and Inspector General.

BUREAU OF SUBSISTENCE,
Richmond, December 5, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: Maj. S. B. French went to Wilmington on the 16th of November. He did so partly at the suggestion of Mr. Trenholm, the Honorable Secretary of the Treasury, and upon what he and I thought an assurance from that gentleman that he would be able to let him have sterling bills to meet whatever contracts he might be enabled to make for subsistence, especially meat and coffee, to run the blockade. He had full authority from you to make such engagements, and did accordingly make them. But on requesting the sterling Mr. Trenholm informs me that he has none, and cannot promise me that by a specified time. He thinks that he made a statement to that effect to Major French and myself. But Major French has no recollection of it; nor have I, though I do not mean to contradict him. What is material is that we now need £65,000 sterling, including £27,500

already drawn for, but including what we some time ago requested to be furnished Mr. W. G. Crenshaw in Liverpool.

The intimation of a deferred payment in sterling has repelled our largest contractor, who only awaits your and Mr. Trenholm's action to continue or cancel his orders, and others if they have not preceded will certainly follow him, whilst I am assured by Major French, whom I deem every way competent to the conclusion, that if he had the funds and could give his assurance that the money would be ready, he could import all bacon necessary to meet our wants.

I regret to find the credit of the Government so low, but I deal with facts, and knowing that the offer of sterling at an uncertain future period will prevent our getting meat from abroad at once, without which the Army must suffer, I respectfully ask that cotton which the Government can give shall be furnished me in lieu of sterling which it cannot give.

I know the policy has been to pay no cotton for goods, and I have felt it due to that branch of the Government with which I am connected to remonstrate against the policy as extremely injurious. But I do not now propose to argue against what has been decided, nor am I attempting to drive the Government from its position under the stress of peculiar circumstances. I am seeking only to provide for the present and near future.

But it may be well to state a fact as tending to abate the delusion that the present system can compel subsistence and as tending to clear the obstruction which this idea may offer to this application. A report lately made by Colonel Bayne shows that about 7,000,000 pounds of meat have been brought in. Now, first, this is only about one-twelfth part of what we consume; second, a very small proportion of what is reported has come in under the regulations.

I have not seen the report, but I have a statement from Colonel Bayne of the importations for October and November. From that it appears that under the regulations only 345 barrels pork and 340 packages of fish were imported, whilst under the Crenshaw contract there were imported 1,013 packages of bacon, 314 barrels pork, 126 tierces beef, and 1,664 cases preserved meats and vegetables.

Under my and Major French's agreement with Power, Low & Co. were received 340 boxes soap, 1,054 barrels pork and beef, 117 packages of bacon, and 147 packages coffee, which includes Wild Rover's cargo, consisting 150 barrels pork and 117 boxes bacon (whether on freight from our own accumulations at Nassau or on ship's account is not definitely stated, but presumed to be the latter), and under the old contract with Power, Low & Co. were received 98 boxes bacon and 228 barrels pork.

If the Atlanta had not been taken by the Government the disproportion would have been still greater against the regulations by the amount of her additional cargoes, and possibly from the ability derived from return cargoes to build more vessels under the contract which included her. This application finds an equity outside of its importance in the fact that this Bureau has never been supplied with its allotment of sterling, whilst others in no greater need have overdrawn both their allotment and the general account. But it finds increased importance in the fact disclosed in the accompanying letter, written by General Lee's order to the commanding general, that desertions are taking place in his army from short bread rations. How much they will increase from want of meat, partial or absolute, you can

judge as well as myself, and how near we are to that the following table, viewed in connection with previous communications, will show:

Statement of meats on hand.

	Pounds.
At Richmond, say	100,000
En route to Richmond, say	200,000
At the islands	2,500,000
Expected at Nassau from Halifax	300,000
	3,100,000
Of which of beef, say	1,000,000
Pork and bacon	2,100,000

This, at three rations to a pound, will be 6,300,000 rations, and of beef, 1,000,000 rations. Total rations, 7,300,000, or 13 days' for 100,000 men, without estimating for losses in introducing the same by blockade; these supplies to be devoted to subsistence of troops stationed in North Carolina and Virginia.

Since writing the above I have received telegram from Major French as follows: "I am informed this morning by Bee & Co. that they cannot send out orders for commissary supplies and that we cannot rely on them for importations; their funds are exhausted. This cancels the last contract."

Very respectfully, your obedient servant,

FRANK G. RUFFIN,
Lieutenant-Colonel and Commissary of Subsistence.

[First indorsement.]

DECEMBER 19, 1864.

SECRETARY OF TREASURY:

The perusal of this copy of an official letter in regard to the want of funds to supply the Army with the meat ration leads to refer it to you for attention. Colonel Wood will deliver it and may furnish you other facts.

JEFF'N DAVIS.

[Second indorsement.]

DECEMBER 23, 1864.

The PRESIDENT:

When Colonel Ruffin applied for sterling the account of the Treasury Department with the depositaries in England was overdrawn £120,000. This was fully explained to Captain Strother, who applied for the £27,500, and if it was not made known to Colonel Ruffin also it should have been.

Had all of Colonel Ruffin's requirements been complied with, however, it would have contributed nothing to the relief of the Commissary Department, it being ascertained that the parties who offered to contract for the delivery of meat have no supplies in the islands. And if the supplies are to be procured from the British North American Provinces and from England, this can be accomplished as speedily and more economically by the Government.

I am informed by the Secretary of War that the Commissary Department will send out a special agent, and arrangements have been made to place at his disposal £100,000 to be used partly in the British North American Provinces and partly in England to procure supplies. An order for £20,000 has also been sent to Messrs. Crenshaw & Co., in Liverpool, to apply that amount from the proceeds of cotton to the purchase of commissary stores.

Major Walker, in Bermuda, and Mr. Heyliger, at Nassau, have also been furnished with £10,000 each for the purchase of supplies—in all, £140,000, capable of purchasing four times as much meat as the same sum could pay for at contract prices.

G. A. TRENHOLM,
Secretary of the Treasury.

[Third indorsement.]

MARCH 7, 1865.

SECRETARY OF WAR:

This is sent to you for your information in relation to a matter which has now only the interest which attaches to a just understanding of the past.

J. D.

HEADQUARTERS RESERVE FORCES OF MISSISSIPPI,
Enterprise, December 5, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: On receipt of yours of the 12th ultimo I immediately addressed Governor Clark on the subject of his accepting the men of the reserve classes and the military age in the State organization of six-months' volunteers and the militia, at the same time supplying him with a copy of your letter of instruction to me. He telegraphed me to meet him at Meridian. The day following I had an interview with him in the presence of Major-General Gardner, and at his headquarters, Jackson, Miss. His Excellency stated his case very elaborately. I replied. I dissented from his views, both in regard to his rights and the expediency, but for obvious reasons waived a discussion. He then proposed to make a case and test the question under writ of habeas corpus. I told him my orders were positive and I doubted my authority to wait the issue. The Governor promptly replied, "Then you must use force." General Gardner remarked that, without advancing an opinion in regard to the merits of the case, he would say that it would be unfortunate at this time to have a collision, as the men of every class were going to the front, and it would be better to let the matter stand until this emergency was passed. I said I would necessarily be compelled to stay proceedings, as all the reserve forces were turned over to the commander in the field, and beyond my control.

At a subsequent interview in the attorney-general's office the Governor remarked if Judge Handy (the chief justice of the supreme court of Mississippi) decided adversely to him he would turn over the men to me at once, but reserving the right to take the case up to the supreme court of the State. I consented then to make a case and at once communicated with the Hon. W. P. Harris on the subject, and authorized him to make the proper arrangements to try the case. I also instructed the enrolling officer at Jackson to put himself under the directions of Judge Harris and make such arrests as he would direct. Since returning to this place I am in receipt of a communication from Judge Harris, a copy of which I forward to you herewith, which will put you in possession of all the facts in the case and the grounds on which the Governor bases his claims.

Although the Governor's action in this matter has almost entirely frustrated my exertions to get the men into the field, yet I believe he was actuated by patriotic motives and an overweening solicitude for

the defense of the State (which has greatly suffered), and not from a factious spirit of opposition.

It will probably be the 1st of January before anything can be done toward getting these men, unless the judge decides adversely to the Governor, when they will be placed at once in the service. In the meantime I would be greatly relieved by having your instructions in case the judge sustains the Governor in his position. I will keep you advised of the progress of this case.

I have the honor to be, with great regard, your obedient servant,

W. L. BRANDON,
Brigadier-General, Commanding.

[Indorsement.]

DECEMBER 22, 1864.

ASSISTANT SECRETARY:

Will you prepare an appropriate answer, approving, as I suppose will be best, the temporay delay and the trial of the question, but not conceding the legal claims in any event?*

J. A. S.

[Inclosure.]

JACKSON, *December 3, 1864.*

Brig. Gen. W. L. BRANDON,
Commanding:

DEAR SIR: I have the honor to acknowledge the receipt of your communication through Doctor Buck. Very soon after this communication was delivered to me I chanced to meet Governor Clark on the street, and he at once pressed me to confer with him touching the subject of it. The Governor's object seemed to be to convince me that he was actuated in his purpose to resist the claim of the War Department to conscribe persons enlisted in the military service of the State by a sincere conviction of his duty as the Executive of the State, and not by any feeling of jealousy or spirit of obstinacy. He took the occasion to explain his attitude by giving the history of the State organization. From his statements, and from what I know of the subject, the facts are as follows: The Legislature of the State passed an act authorizing the Governor to raise troops for State defense by commissioning persons to raise volunteer companies, regiments, &c., for active service. (Act December 9, 1863.) Under this act the Governor has raised sixteen companies of volunteers—some for the war, some for twelve months, and others for six months. The composition of these companies embraces men of every class and liable under all the acts of conscription of the Confederate States, but chiefly persons belonging to the class of reserves, and enlisted subsequent to the act of February, 1864. It is asserted by the Governor that although he has thus enlisted persons liable to be enrolled in the service of the Confederate States, they were not actually enrolled—"brought under the authority of the Confederate States" (to use his language)—at the time of their enlistment in the State service. On this state of the facts the Governor contends that the State, having reserved power to raise troops in time of war, was at liberty to appropriate any class of her citizens not actually brought under the control of the Confederate States by enrollment in the service. The Governor was unable to furnish to me the correspondence with the Secretary of War, as that correspondence consisted

See Seddon to Brandon, December 25, p. 965.

in brief telegrams and verbal communications, through the Hon. Mr. Watson, of the C. S. Senate, but I am assured, however, by the letter of instructions of the Secretary to which you refer me, and other instructions from that quarter, that the Secretary of War has determined to deny practically the claim of the Governor to retain persons in the State service who are liable to conscription.

I make this statement of the facts in order that you may see whether I am sufficiently informed of the points in controversy.

If there are other features of the case not indicated here and deemed by you to be necessary to enable me to act under your letter, I should be glad to be informed by letter or otherwise.

The Governor informs me distinctly that he would resist the attempt to place the State troops in the Confederate service under the conscript act, and would employ force. While I am persuaded that the Secretary will exhaust every fair expedient to avoid a collision, I refrain from giving any advice on that point. The proposition of Governor Clark to allow proceedings under the late order of the War Department to be stayed until his claim shall be tested by a judicial decision, as it does not seek to bind you by such decision and offers a means of avoiding a collision, should be accepted under the circumstances in which you are placed at present. At the same time I think it would be well to take the earliest opportunity to inform the Secretary of War of the reasons for the temporary forbearance to put his order into execution.

I take the occasion to say that I think the claim of the Governor is without foundation. The act of the Legislature was never designed to interfere with the ground covered by the acts of Congress, and is indeed but part of the militia system of the State. But the position of the War Department has been deliberately taken, and it is of no importance that my opinion accords with that of Mr. Seddon.

I will remain here until Wednesday morning and you can inform me by telegraph whether I can proceed as heretofore directed or come to you for further information.

I have the honor to be, very respectfully, &c., your obedient servant,

W. P. HARRIS.

Act of the General Assembly of South Carolina.

AN ACT to alter and amend the militia laws of this State.

I. *Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly and by the authority of the same*, That from and after the passage of this act all free male white persons within this State between the ages of sixteen and fifty, not exempt from active service without the limits of the district in which they reside by the militia laws of this State, shall be liable to active military duty without the limits of this State at the call of His Excellency the Governor.

* * * * * * *

III. That all free male white persons within the State between the ages of sixteen and sixty, not embraced in the active militia, shall be liable to military duty in cases of alarm, invasion, insurrection, or as the posse comitatus, anywhere within the limits of the State.

* * * * * * *

Passed December 6, 1864.

CONFEDERATE STATES DEPOSITORY,
Wilmington, N. C., December 6, 1864.

E. MURRAY, Esq.,
Wilmington, N. C.:

SIR: Your letter of this date stating that a rumor exists that the Advance when captured had on freight a large amount of specie, and asking if I can give any light on the subject, is to hand. In reply I beg to state that I do not know that the Advance had any specie or freight when she was captured. I did not ship any on her that trip.

Very respectfully,

HENRY SAVAGE,
Depositary Confederate States.

AN ACT in relation to the public defense.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened*, That whenever a demand shall be made by the Confederate States Government for slaves to labor on the public works in this State, and such demand be in conformity with the laws of the Confederate States and with the constitution and laws of the State of Florida, the Governor of this State shall order an impressment pro rata, which shall be strictly uniform and equitable of the free negroes and slaves of this State.

SEC. 2. *Be it further enacted*, That such impressment shall be made on the orders of the Governor, by the sheriff of the several counties. Any sheriff failing to obey said order shall be punished, on conviction, by fine and imprisonment at the discretion of the court, and the Governor shall, on failure of any sheriff to obey said order, direct the duty to be performed by the coroner, or such other civil officer of the county as he may select, who shall be subject to the like penalties in case of failure.

SEC. 3. *Be it further enacted*, That no demand as [or] impressment of slaves or free negroes in the State shall be made except in conformity with the provisions of this law, and if any shall be made in violation thereof, it is hereby declared unlawful and void.

Approved December 7, 1864.

EXECUTIVE DEPARTMENT,
Richmond, Va., December 7, 1864.

GENTLEMEN OF THE SENATE AND HOUSE OF DELEGATES:

I am gratified that you have again met in General Assembly to take into consideration the condition of our afflicted Commonwealth. At the period of your last adjournment our enemy was engaged in vast preparations for the capture and occupation of this proud city. Having completed his preparations by the organization of one of the most formidable armies ever assembled on this continent, he, about the 1st of May last, commenced his march. He relied with confidence upon his vast numbers and thorough equipment for an early consummation of his long-deferred hopes. Led by the greatest of his captains, flushed with numerous successes, it was entirely natural that he should fearlessly look to the future, while we should contemplate it with uneasiness and apprehension. He had, however, scarcely crossed

the Rapidan before our noble army, led by that great and good man, General R. E. Lee, breaking up their camp, dashed upon his haughty columns, and, after one of the bloodiest and best-contested battles of the war, taught the enemy to respect the army he had affected to despise, and to know that his march to Richmond would be attended with difficulties and dangers he had not anticipated. I shall not undertake to detail the series of bloody battles which were fought on the road to Richmond, nor tell how the enemy, although continually strengthened by heavy re-enforcements, was compelled to leave the city to his right, until finally he crossed the James and undertook by a *coup de main* to carry the city of Petersburg; nor how, after nearly a seven months' campaign of unexampled slaughter of his men, he still finds himself with hope deferred, and but little prospect of realizing expectations so confidently entertained for the last three years. Suffice it to say that you, gentlemen, are here in safety; here in calm deliberation; here to digest those measures which are still required by the dangers we have yet to meet.

It is right, however, that I should warn you that the enemy is diligently engaged in strengthening his army and in recovering from the exhaustion caused by his repeated defeats. It is difficult, really, to comprehend our foe. The right of self-government was established by the blood of our Revolutionary fathers, was proclaimed in the Declaration of Independence, and is ingrafted in the constitutions of all the States; and yet the United States, with reckless extravagance in men and money, unparalleled in the world's history, is denying this right, and seeking to overthrow and subjugate the people who proclaim it, and who only ask to be let alone—who, for simply asserting and maintaining this principle, are pursued with a venom, malignity, and hate unknown in civilized war.

With everything dear to man at stake, I cannot suppose that there will be any hesitation on your part to embody the whole resources of the State, in men and means, in order to enable us successfully to avert the awful doom our enemy has in store for us. One of your first duties, gentlemen, will be to take into consideration the measures to bring into the field all able-bodied men who are not necessary to the State government. It is utterly impossible for me to understand the logic which exempts State officers who are not necessary for the State government; and yet it is the fact that the judges are undertaking to turn loose from the grasp of military authority men without any duty to perform, upon the ground that they are officers provided by the constitution and the laws. There are some forty or fifty counties of Virginia within the enemy's lines, most of them under a regular government of the enemy. The State officers therein have been, where loyal, of course, expelled from office and are refugees. Most of them have acquired new homes and formed new social and business relations, and may not return to their counties until this war shall terminate. Many will never return even with peace, and it may be a question, if they should do so, whether they would have a right to resume their offices. Under the laws and the constitution the counties will average about sixty officers, furnishing within the enemy's lines a number equal to about 2,000, constituting a force sufficient, it may be, to turn the tide of a great battle. Yet, according to the decisions of some of the judges, these officers would be exempt from military duty, although without civil duties to perform, and with a great probability that they will have none during the continuance of the war.

The court of appeals in the case of Burroughs *vs.* Peyton, &c., has well said:

> The obligation of the citizen to render military service is a paramount social and political duty. It is a matter in which the whole body politic is interested. "The citizens have a right, collectively and individually, to the service of each other to avert any danger which may be menaced. The manner in which the service is to be apportioned among them is a matter for legislation." The Government, as the agent and trustee of the people, is charged with the whole military strength of the nation, in order that it may be employed so as to insure the safety of all. The power which it has to enforce the performance of the obligation to render military service is given that it may be used, not abdicated. No right has been conferred on the Government to divest inself, by contract or otherwise, of the power of employing whenever, and as the exigencies of the country may demand, the whole military strength that has been placed at its disposal. As the nature and extent of those exigencies cannot be foreseen, and it is impossible to say in advance that the services of every citizen capable of bearing arms may not become indispensable for the defense of the country, the Government has no right to enter into any contract precluding it from requiring those services, if they should be needed. If there be such right, the spectacle might be presented of a nation subjugated and destroyed at a time when it had within its limits citizens amply sufficient to defend it successfully against all the assaults of its enemies, but whose services could not be commanded because, forsooth, the Government had contracted with them that they should not be required to serve in the Army.

Again:

> The power of coercing the citizen to render military service for such time and under such circumstances as the Government may think fit is a transcendent power; but so far from being inconsistent with liberty, is essential to its preservation. A nation cannot foresee the extent of the dangers to which it may be exposed. It must, therefore, grant to its government a power equal to every possible emergency; and this can only be done by giving to it the control of its whole military strength. The danger that the power may be abused cannot render it proper to withhold it, for it is necessary to the national life.

It would seem to me that the doctrine of these extracts covers the whole question; but should there be a doubt remaining, the following extract from the same able opinion, repeating a well-established rule of law, must dispel it:

> The well-established rule of construction is, that all grants of privileges and exemptions from general burdens are to be construed liberally in favor of the public, and strictly as against the grantee. Whatever is not plainly expressed and unequivocally granted is taken to be withheld.

Taken in this view, how can there he a question? The officers referred to are local officers; their duties are local; they forfeit their offices if they leave their counties. The justices of the peace are compelled to reside in the districts from which they are elected, and yet these officers are refugees; that is, resident out of their counties. In undertaking to protect them against the forfeiture provided by law the courts have to assume that they are excused from the residence required in consequence of the compulsion of the enemy. Is not this inference judicial legislation? At any rate, no act of Assembly authorizes such an inference; and is it to be supposed that the law would not have provided for such a case had the Legislature deemed it proper to do so? At least, can it be said that there is no doubt upon the subject; and if a doubt, that it should not, in the language of an extract already quoted, be construed liberally in favor of the public? How can the State be injured by the view for which I contend? How it may be prejudiced by the converse of the proposition all can see. But to exempt this large class of officers, or any portion of them, when they have no service to perform, is, it seems to me, plainly

unconstitutional. The fourth article of the bill of rights reads as follows:

> That no man or set of men are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services.

Will not these officers, without civil duties to perform, enjoy personal privileges? Surely it may legitimately be argued that, so far from being exempted, they are under a special obligation, in addition to the general one attaching to every citizen, to fight for the recovery of their counties. They have been ousted of their offices, have consequently suffered a personal injury, and will realize a special advantage in the recovery of the counties from which they have been expelled. I know it is contended that these officers are entitled to exemption under the decision of the court in the case from which I have so freely quoted, and the following extract is relied upon in support of the position:

> It is absurd to suppose that the Government of the Confederate States can rightfully destroy the government of the States which created it; and all the powers conferred on it must be understood to have been given with the limitation that in executing them nothing shall be done to interfere with the independent exercise of its sovereign powers by each State. Congress can have no right, therefore, to deprive a State of any officer necessary to the action of its government, and the State itself is the sole judge as to the officers that are necessary for that purpose.

I entirely concur with the doctrine here expressed; but can it be said that the officers of a locality within the enemy's lines, and under the regular supervision of the agents of a foreign Government, are necessary to the action of the government of the State? And under this doctrine can any officer of a county within our own jurisdiction be entitled to exemption unless he be necessary? It is said, however, that all the officers named in the constitution and provided by the law are pronounced necessary by the very highest authority, and can under no circumstances be questioned, and whether employed or not cannot be required to perform any other duties than those for which they were elected. Surely this will strike the reflecting mind with surprise. The constitution intended to provide a frame of government for those on whom it was to operate. It was necessarily experimental. The offices authorized were doubtless presumed to be necessary; but if found to be otherwise, why should those appointed to fill them be relieved from the performance of other duties required by the wants of the community? Indeed, I lay it down as a broad proposition that no person occupying office is exempt from the other duties of a citizen, except on the score of incompatibility. I ask with confidence, why should a citizen be excused from other obligations when they do not interfere with the performace of those to which he is specially elected? If a man can perform more than one duty, why should he not do it? I would like to hear a good and sufficient reason in answer to this interrogatory. It would be a great reflection upon those who framed the constitution to suppose that they intended any such conclusion, and in the absence of all provisions to that effect it cannot be presumed. Nowhere in the constitution is provision made in terms for exemption. It is inferential merely, and then only upon the ground of incompatibility of service. The same remarks will apply to the Legislature. The doctrine contended for may lead to the most fatal results. If all the officers designated in the constitution and in the laws made in pursuance thereof are to be exempted because they are State officers; if all the justices of the peace who, by the

bye, were never exempted until the 1st of October, 1862, having from the Revolution to that period been required to perform military duty; if all sheriffs and clerks and their deputies; all commissioners of the revenue; all surveyors and Commonwealth's attorneys; all constables and overseers of the poor; all county agents for supplying soldiers' families; all salt agents, commercial agents, &c.; all employés of banks, cities, towns, &c., are to be exempt indiscriminately, and without reference to their necessity, then, indeed, in the language of the decision so frequently quoted, "the spectacle might be presented of a nation subjugated and destroyed at a time when it had within its limits citizens amply sufficient to defend it against all the assaults of its enemies, but whose services could not be commanded, because, forsooth, the Government had contracted with them that they should not be required to serve in the army." So far in this State the number of exempts is comparatively small, but in other States we are told it is widely different. At this time a powerful army of the enemy is sweeping over the State of Georgia, in which, under the doctrine contended for, there is now an army of exempts—exempts because officers and employés of the State government.

At this time the pressure of the service inspires a very common desire to escape from it; and the remedy by habeas corpus, designed for extraordinary acts of official tyranny or individual acts of oppression, is daily resorted to, to extricate the citizen from the holy duty of defending the country. Lawyers of every degree hie to the feast thus spread before them, and judges in chambers and in court feel constrained to apply the principles of the writ to those but little better than moral deserters from the standard of their country, and at a time, too, when she is struggling in a death grapple with her gigantic foe. But do the judges [agree] among themselves in a uniform application of the same principle? In North Carolina exemption assumes the broadest form, while in Alabama a much narrower rule is adopted; and even in Virginia some differences exist. But all, I believe, concur that the judges have the right to pronounce who are exempted from military duty by reason of their office, notwithstanding the Legislature and the Executive may entertain a different opinion. It does not matter what the Legislature may declare by law; it does not matter who the Executive may deem necessary to enable him to see the laws faithfully executed, the court understands better than their coequal and co-ordinate departments what is necessary to preserve the State governments. Against this I enter my firm yet respectful protest.

The second article of the constitution reads as follows:

> The legislative, executive, and judiciary departments shall be separate and distinct, so that neither exercise the powers properly belonging to either of the others; nor shall any person exercise the powers of more than one of them at the same time, except that justices of the peace shall be eligible to either House of Assembly.

The Massachusetts constitution still more emphatically declares that "in the government of this Commonwealth the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative or judicial powers, or either of them; the judicial shall never exercise the executive and legislative powers, or either of them; to the end that it may be a government of laws, and not of men." Of course, all intermixture of these departments, except as provided in the constitution, must be in violation thereof. These departments are

co-ordinate, and each is supreme and independent of the others within their respective spheres. This is the theory of the constitution at least; and it is the universal sentiment of the American people that their complete separation is essential to public liberty. The Federalist has strongly said that "the accumlation of all powers, legislative, executive, and judicial, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may be justly considered the very definition of tyranny." Can it be, then, that the judiciary can properly prescribe its own bounds as well as those of its co-ordinate departments? Where is the authority for it? It cannot be found either in the constitution or the law—a fact conclusive against the jurisdiction assumed. I know the general sentiment is otherwise, and that it is insisted that the power is essential, and must therefore exist. This, I submit, is begging the question, and cannot be conceded. Were it so, then the independence and equality of the departments would no longer exist. The power in one to give law to the other demonstrates this too clearly to require argument.

While, however, it may be conceded that the judicial department, in the last resort, is the final expositor of the constitution as to all questions of a judicial nature, it is equally clear that it cannot assume jurisdiction of political questions. This doctrine was quite elaborately treated in the case of Luther *vs.* Borden *et al.* (7 How. R.)

In the celebrated Dorr Case, out of which the one quoted sprung, this doctrine was treated, and it was declared that the court could not take jurisdiction of questions of political power. For instance, that it was the right of the political power to decide which was the rightful constitution of the State of Rhode Island, the charter or that known as the Dorr constitution; that it was not a judicial question. So it was conceded that the President alone had the right to decide when such insurrection or rebellion existed in a State as required him to call out the militia; that it was not a judicial question. So in cases of contested elections before the Senate, they involved a question of political power to be decided by that body. So likewise in case of a treaty or the recognition of foreign nations, they involved questions of political power over which the judiciary could not take jurisdiction. I respectfully submit that this important distinction should be taken by our judges. When the Legislature declares who shall be subject to military duty, it is an act of political power with which, it seems to me, the judiciary should not interfere; and when the Executive, to whom the special duty is assigned of seeing the laws faithfully executed, decides that a certain officer or employé is not necessary, it is an act of political power which should equally command the forbearance of the courts. It was objected in the case just quoted that in conceding to the President the decision as to which was the rightful constitution of Rhode Island, it was yielding him a dangerous power which might be abused. The learned judge who pronounced the opinion of the court emphatically said in reply:

> All power may be abused if placed in unworthy hands; but it would be difficult, we think, to point out any other hands in which this power would be more safe, and at the same time equally effectual. At all events, it is conferred upon him by the Constitution and the laws of the United States, and must therefore be respected and enforced in its judicial tribunals.

You, gentlemen, can apply this quotation; but I may be pardoned—as the several departments take the same oath of office, that of fidelity to the Constitution, and are all, in the view of the constitu-

tion, equally honest, capable, and faithful—if I claim for the legislative and executive departments the same right to judge of their own powers that is exercised by the judiciary as to theirs. This is indispensable to preserve the equilibrium of the several departments—a matter of the last importance, as upon it depends the preservation of constitutional liberty, according to all writers upon free government.

My conclusions, then, are that the several departments have no right to define the political powers of each other; that political power is not of a judicial nature; that there is no authority in the Constitution or the laws which gives to the judiciary the right to define its own boundaries and those of the other branches of the Government; that whatever may be the necessity of having a tribunal clothed with such powers, none has been provided and cannot be provided by judicial construction; that the right on the part of the several departments to refuse to co-operate in the unconstitutional measures of each other, of which each has an equal right to judge, is eminently proper, healthful in action, and well calculated to preserve intact that division of powers guaranteed in the second article of the Constitution. That the Constitution contains no exception, confers no privilege, except "in consideration of public services;" that election to office does not protect any man against other duties, except so far as they may be in conflict with those to which he was elected; that, in the language of the court of appeals, "the obligation of the citizen to render military service is a paramount, social, and political duty," from which no man can be discharged, except on account of his civil duties, and only to the extent required by such duties; that military service "is a matter in which the whole body politic is interested;" that "the citizens have a right, collectively and individually, to the service of each other to avert any danger which may be menaced," of which they cannot lawfully and ought not to be deprived by any authority whatever. And I here, in the name of patriotism, of our manhood, of our dear old State, rent and torn by a vandal foe, and of our bleeding country, protest firmly, but respectfully, against the entire doctrine which would give to able-bodied men the legal right to walk abroad untouched amid the general suffering and desolation.

I have uniformly acted upon the principle that the State government had an inherent right of self-preservation, which involved the right to all the officers and employés of every description necessary thereto. I have never hesitated to claim all such persons, and to assert a right to judge for myself as to the necessity of such persons as against the Confederate Government. I understand this principle to have been broadly conceded by the act of Congress of the 17th of February, 1864. This act did not undertake to grant power to the Governors of the States, who could not accept power from such a source, even had such been the design of the act. But I repeat, I do not understand it to have had any such purpose in view. The certificate spoken of in the act was merely designed to obtain information of the Governors of the States of the persons claimed by the States as their officers and employés, and such certificates are very properly conceded by that act to be conclusive upon the Confederate authorities. Recognizing in the Confederate Government the right to the whole military power of the States, except to the extent of such persons as are necessary to the preservation of the State government and the execution of her laws, I have uniformly confined my certificates of exemption or claim to such persons as I regarded necessary therefor. In the case of justices of the peace I did not and do

not believe that the number authorized by law was necessary to the execution of the duties imposed upon them. I know perfectly well that three, instead of four, are amply sufficient for all the purposes of the State; and I aimed, as a general rule, to confine myself to that number. I recognized the right of all, however, to be commissioned; and deeming such to be my constitutional duty, commissioned those who had been duly elected by the people.

It is not a little curious that justices of the peace, at least from the first Revolution up to the present one, have never been regarded otherwise than subject to military service. They have been treated uniformly as a part of the militia. They fought in the first Revolution; they fought in the year 1812; they mustered at cross-roads and other places of meeting, and the exempting favor of the Legislature never reached them until the 1st of October, 1862. It is strange that in the midst of a deadly struggle your predecessors should have deemed it proper for the first time to protect these gentlemen from military service, pronounced by the highest judicial authority of this State to be "a paramount social and political duty." It is also strange that for the first time it should be treated as a judicial question, and that our judges should likewise concur in pronouncing them exempt from military service, and that, too, notwithstanding the same high authority to which I have just referred has pronounced military service "a matter in which the whole body politic is interested."

But so it is, and yielding to the force of this combined opinion, I respectfully suggest for your consideration the passage of a law which will diminish the number of these officers, and restrict their selection to persons of an age usually beyond the period of military service. I propose the passage of a law diminishing the number of the districts in the several counties, and confining the election of magistrates to persons over forty-five years of age. There is no question of your power to enact such a law; there is no doubt of its giving great satisfaction to the people, and the discreditable efforts which were made in certain localities by hale and hearty young men to obtain their election as justices of the peace, thereby to secure their exemption from the honor of defending their country, would no longer reflect upon the patriotism of our people. But many of our best citizens are unwilling to yield any of our State officers or employés to the claims of the Confederate Government. They are entirely willing to see such persons embodied in a State force, to be called out on great emergencies, because under State authority they can be returned to their civil functions as soon as the emergency shall have passed. Apart from the great principle of the *salus populi*, they insist that it is entirely in the power of the Legislature to embody the State officers, &c., as an auxiliary force, under the circumstances to which I have referred. In Georgia this principle is acted upon, and under it Governor Brown has been enabled to embody an army of considerable size, which has rendered and is rendering valuable service in the campaign in his great State. In Mississippi the same doctrine prevails with the like results, in which, indeed, the power is claimed, without question by the judiciary, to assign supernumerary State officers to the Confederate service. In an act passed by the General Assembly of that State of the 13th of August, 1864, the preamble thereto reads as follows:

Whereas, in the present situation of affairs it is not necessary to the proper administration of the State government that the officers members, and agents

hereinafter named, shall be held exempted from the military service of the Confederate States; and in the absence of such necessity the State is willing to waive her rights in the premises to all officers, members, and agents not named in the constitution, and not necessary to the preservation of our form of Government.

This preamble fully recognizes the policy for which I have been arguing, and in giving up a part of her State officers the State impliedly asserts a right to do so with all, under the qualifications stated. Should it not be the pleasure, however, of the Legislature to adopt my views, I respectfully urge, in this dark hour of our fortunes, that the entire male population of our State may be embodied for the purpose of co-operating in our great struggle. The second-class militia, authorized under a special act, restricted in its operations to a few localities, has been of great advantage, and has rendered most efficient service. Perhaps no regular force in the Army has performed more arduous duty since the 6th of May than those portions of it, including the Nineteenth Virginia Militia, organized in the cities of Richmond and Petersburg. In consequence of the frequent and extensive raids of the enemy, often in small parties, and the great destruction and outrages perpetrated by them, it has become indispensable to organize our whole male population. Were such an organization made, even of the force now left at home, the country would be saved from the ravages which lay waste our fields, certainly to a large extent; and the enemy, who respects in no degree the laws of civilized war, sparing neither age nor sex, would be compelled to contract his lines of march, move in larger masses, and range over a much more limited amount of our territory. I most respectfully submit a bill for your consideration, designed to provide for this important object.

First. It proposes that the reserve force of the State should be organized by the Governor, and when completed to be reported to the Assembly for such change as it may see fit to make.

Second. That the Governor shall not move said force beyond the limits of the State.

Third. That no portion of such force shall be called out for a longer period than thirty days.

Fourth. When practicable, said force shall be assigned to duty in the several counties from which it may be drawn.

Fifth. The particular duties to which this force may be assigned are designated.

Sixth. That the county court and county officers shall aid in the enrollment.

Seventh. That the Governor shall provide for the proper discipline and order of said force.

Eighth. This bill being a war measure, it is proposed that it shall expire with the proclamation of peace, only suspending in the meantime the general militia law.

It will be observed that this bill asks for no appropriations, nor for commissaries or quartermasters. My plan is to make an arrangement with the Secretary of War to pay off such portion of the reserve force as may be called out, when its particular service is ended, by marching it to the post quartermaster of its county for that purpose, who would be instructed accordingly; and my purpose would be, when necessary, to appoint respectable old gentlemen quartermasters and commissaries for the particular occasion, and for them to settle up any accounts they may have created with the post quartermaster, and be likewise paid off, thus closing up the transaction without perplex-

ity or delay, and to the entire satisfaction doubtless of both the Government and the people.

Many of the citizens of Virginia were in other States and countries at the beginning of the war. Not a few of them returned to join in her defense and to share her fate, and some have sealed with their blood their patriotic devotion to our beloved Commonwealth. A record should be made of such as an evidence of our high appreciation of their conduct and transmitted to posterity. But I regret to inform you that many who owe loyalty to our State are still absent unmindful of their duty in the terrible struggle in which we are engaged. Many have left since the beginning of the war, leaving their families and property behind them. It is doing no injustice to such recreants to assume that their purpose is to escape the demands of military service, and that they leave their families with us as the means of preserving their property. Shall such unworthy and treasonable policy succeed? Shall such men, abandoning the holiest and noblest of duties, that of defending their country, escape without penalty, and their property be preserved and protected by our laws and arms until, under more propitious circumstances, they can return to it? I earnestly recommend the passage of a law authorizing the issue of a proclamation warning all citizens of Virginia now in foreign parts to return without delay to the State, failing in which, besides personal penalties, their property of every description should be confiscated and their families sent into the enemy's lines.

There are some persons whose fidelity to the State is much questioned, and who, if arrested, can rarely be convicted in consequence of the difficulty of having the testimony present when the day of trial arrives. They very generally escape from want of evidence, although there is the strongest moral assurance of their guilt. I hope that you will give the subject your attention and pass such a law as this condition of things requires. In this connection I would respectfully call your attention to the Code, page 118, in reference to the arrest of suspicious persons. The sixth section should be enlarged so as to comprehend all foreigners, as well as citizens, with authority to remove such as may be thought fit beyond the limits of the State. There is great necessity for some such measure, and I hope it will engage your early attention.

Our free negroes are very disorderly, many of them doubtless disloyal. In the towns, and especially in the city of Richmond, they are guilty of many outrages upon persons and property, full proof of which it is difficult to procure. They sometimes are found co-operating with the enemy, and occasionally indulging in the utterance of treasonable sentiments and threats against our fellow-citizens. The laws are inadequate to their proper management, and will, I hope, be made to cover such cases.

When this war began it was confidently believed by our enemy that it would be of short duration. Relying upon his vast superiority in numbers and material of war, he expected to overrun us with facility and ease. But the result of a single year's operations corrected this expectation and impressed him with the conclusion that he had on hand a contest of great magnitude, full of danger and difficulty. Having soon exhausted his floating population, he openly recruited his armies on the continent of Europe. Not satisfied with this, he seized our slaves and, in violation of all civilized war, armed them against us. Under every disadvantage the war has been protracted

deep into its fourth year, and we find ourselves looking around for material to enlarge our armies. Whence is it to come? The laws of natural accretion will not furnish a sufficient supply of men. Foreign countries are in effect closed against us. Recruiting from the prisoners we capture will not, except to a limited extent, supply our wants, and the public attention naturally turns to our own slaves as a ready and abundant stock from which to draw. This policy, however, has given rise to great diversity of opinion. Some consider it as giving up the institution of slavery. Others declare that to put our slaves in the ranks will drive our fellow-citizens from them and diffuse dissatisfaction throughout the country. In reply, it is said that this policy will effectually silence the clamor of the poor man about this being the rich man's war; that there is no purpose to mingle the two races in the same ranks, and that there cannot be a reasonable objection to fighting the enemy's negroes with our own; that as to the abandonment of slavery, it is already proclaimed to be at an end by the enemy, and will undoubtedly be so if we are subjugated, and that by making it aid in our defense it will improve the chance of preserving it.

This is a grave and important question and full of difficulty. All agree in the propriety of using our slaves in the various menial employments of the Army, and as sappers and miners and pioneers, but much diversity of opinion exists as to the propriety of using them as soldiers now. All agree that when the question becomes one of liberty and independence on the one hand or subjugation on the other, that every means within our reach should be used to aid in our struggle and to baffle and thwart our enemy. I say every man will agree to this; no man would hesitate. Even if the result were to emancipate our slaves, there is not a man that would not cheerfully put the negro into the Army rather than become a slave himself to our hated and vindictive foe. It is, then, simply a question of time. Has the time arrived when this issue is fairly before us? Is it indeed liberty and independence or subjugation which is presented to us? A man must be blind to current events, to the gigantic proportions of this war, to the proclamations of the enemy, who does not see that the issue above referred to is presented now. And, I repeat, the only question is, Has the time arrived? Are we able beyond a question to wage successful war against a power three times our own in numbers, with all Europe from which to recruit, and who unhesitatingly put arms in the hands of our own negroes for our destruction? I will not say that under the providence of God we may not be able to triumph, but I do say that we should not from any mawkish sensibility refuse any means within our reach which will tend to enable us to work out our deliverance. For my part, standing before God and my country, I do not hesitate to say that I would arm such portion of our able-bodied slave population as may be necessary, and put them in the field, so as to have them ready for the spring campaign, even if it resulted in the freedom of those thus organized. Will I not employ them to fight the negro force of the enemy? aye, the Yankees themselves, who already boast that they have 200,000 of our slaves in arms against us. Can we hesitate, can we doubt, when the question is, whether our enemy shall use our slaves against us or we use them against him; when the question may be between liberty and independence on the one hand, or our subjugation and utter ruin on the other?

In the meeting of the Governors the following resolutions upon this subject were unanimously adopted:

And whereas, the public enemy, having proclaimed the freedom of our slaves, are forcing into their armies the able-bodied portion thereof, the more effectually to wage their cruel and bloody war against us: Therefore be it

Resolved, That it is the true policy and obvious duty of all slave-owners timely to remove their slaves from the line of the enemy's approach, and especially those able to bear arms, and when they shall fail to do so that it should be made the duty of the proper authorities to enforce the performance of this duty, and to give to such owners all necessary assistance as far as practicable.

Resolved, That the course of the enemy in appropriating our slaves who happen to fall into their hands to purposes of war seems to justify a change of policy on our part, and whilst owners of slaves under the circumstances should freely yield them to their country, we recommend to our authorities, under proper regulations, to appropriate such part of them to the public service as may be required.

The object of these resolutions, as understood by me, was to call public attention to the consideration of the policy of bringing our slaves into this war. It seems that a change of policy on our part was contemplated; and we determined, in reference to our slaves, to recommend to our authorities, under proper regulations, to appropriate such part of them to the public service as may be required. I am aware that a clamor has been raised against the policy of putting the negroes into the Army by good and loyal men, because, they say, "the end is not yet;" that our Army of citizen soldiers is still competent to make good our defense. No one would advocate the policy of thus appropriating our slaves except as a matter of urgent necessity; but as public opinion is widely divided on this subject, does not common prudence require us to fear that those opposed to this extreme measure may be mistaken? Suppose it should so turn out, how deep would be their responsibility to the country, to freedom and independence everywhere! I know it is the opinion of some of the highest military authorities that the time has come when we should call our slaves to our assistance; and I hold it to be clearly the duty of every citizen, however much he may doubt the wisdom and necessity of the policy, to co-operate in strengthening by every means our armies. I repeat, I know this policy is looked to with anxiety by some of the ablest military men of the age, who believe that it is of the last importance that it should be adopted without delay. I therefore earnestly recommend to the Legislature that they should give this subject early consideration, and enact such measures as their wisdom may approve.

As an additional auxiliary to the successful prosecution of the war I deem it of the gravest consequence that our currency should be improved. I am entirely satisfied that it may be effected. With the great staples at our command as the basis of such purchases abroad as are necessary to our defense, with a judicious system of taxation and public credit, the blunders of the past may be speedily reformed and the public confidence assuredly revived. I bring this subject to your consideration, as you may promote the policy of improving the currency by lending the aid of co-operative legislation to that of the Confederate Government.

There is a measure now pending before Congress proposing to reduce the currency by the issue of tithe certificates, in effect pledging the tithes in cotton, wheat, and corn to the redemption of such certificates, and continuing the tax in kind after the war shall terminate, until they shall be fully paid off and discharged. The security must nec-

essarily be ample, and all persons not needing the currency for immediate use will find such investment a most judicious one.

The legislation I would suggest is in aid of that policy, and I submit the following plan for your consideration: Let the State go into the market and purchase up the currency at its market value for gold—say twenty in currency for one in gold. The effect of this would be to reduce the price of gold at once to that standard as a maximum which would necessarily involve a reduction in the prices of all commodities, thereby securing a general benefit to every individual in the community. The question will naturally be asked, how is the gold to be obtained? The reply is easy. It is known that our State banks have a large amount of specie on hand entirely unproductive, not even contributing to sustain their credit, and a source of constant anxiety to the officers in charge of them. In this state of things the banks, I have no doubt, would cheerfully surrender their specie to the State, upon her obligation to return it at the end of the war and the assignment of the tax-in-kind certificates of the Confederate Government issued to the State from time to time for the currency which she might acquire. The faith of the State with this collateral security would, I am persuaded, be entirely acceptable to the banks under the circumstances which imperil us. Should we triumph in our present struggle, which I doubt not, the security would be ample; and should we fail, of course the security would be valueless, and all would be lost, except in the diffusive benefit to the people from the circulation of the coin now excluded from all useful purposes.

It is no objection that this measure may not be adopted by the other States. Its wisdom is so obvious that it is hardly to be presumed that they will refuse to co-operate. But happily, it is a measure that must be highly beneficial to the State which engages in it, even if alone, while it would tend to aid the important effort to reduce and improve the currency. I will not dwell upon this subject, but believing it a measure of great importance, well calculated to aid in the public defense, as well as beneficial to the State and people thereof, I ask for it your careful consideration.

Allow me, gentlemen, particularly to commend to your favorable consideration the absolute necessity of regulating prices. I know this policy is destined to meet a stout resistance; but fully impressed with its great importance, under existing circumstances, I may be pardoned, I hope, for pressing it upon your attention. I felt myself at liberty shortly after your adjournment, in consequence of the failure of the bill making an appropriation to engage in the acquisition of supplies, for want of a constitutional, not a numerical, majority, under the crying necessities and sufferings of the people for bread, &c., to use such portion of the contingent funds under my control as would partially relieve their wants. With this fund, and means otherwise acquired, I engaged in this business and am gratified to believe that I contributed a considerable amount of relief to the destitute families of soldiers and other suffering poor. Among the articles purchased was about 300,000 pounds of rice. At the time I got it to this market the retail price of the grocers was $2.50 per pound. This price, extortionate in a high degree, was the practical result of untrammeled competition under the laws of trade. By my purchase I was enabled to put it upon the market, under certain restrictions as to the quantity to be purchased, at 50 cents per pound, which covered the cost and all expenses, including a small advance to provide against accidental losses. This involves the principle of

the maximum. The same result occurred in the corn I bought and distributed. I sold one large lot at $15 a bushel, even sending a considerable quantity to the county of Tazewell. I mention these facts as practical illustrations of the value of the measure I urge upon your consideration.

Having, however, discussed this question in my inaugural message, I content myself by making an extract therefrom, with the single remark, that if it be the pleasure of the Legislature to appropriate the requisite sums, I can no doubt place supplies here which will greatly reduce the present market value and protect our suffering State from the danger of absolute starvation:

While, however, the people of the State have acquiesced in the prices fixed by the public commissioners, others have been unwilling to accept them, in consequence of higher prices being offered by speculators and others. This very naturally produces discontent on the part of the more liberal and patriotic portion of the people, while others resort to hoarding, hiding, and other disreputable shifts and evasions, to avoid their contribution to the support of our own gallant Army. This state of things is very demoralizing, and may, I think, be easily corrected by the establishment of a State maximum, which, taking the Confederate maximum as a basis, shall be extended to all the productions of human industry. I know that this proposition has always met with the most determined opposition, and yet it has always prevailed in times of public trouble. I know it is said that France tried, and France gave up this policy. And yet she first tried it upon corn; then enlarged it, but never made it general; adhered to it through all the dark hours of her revolution, when she was rent by intestine dissensions and engaged in war with the whole of Europe, and never abandoned it until she had resumed a specie currency, composed her intestine feuds, and brought continental Europe to her feet. What occasion had France to adhere to this policy when she fed her armies from the stores of other nations and replenished her treasury by contributions upon them?

But it is the duty of wisdom to comprehend the force of circumstances. What is our situation? We are cut off from the world by our enemies, insulated as completely as if we were on an island in mid-ocean, and no productions from abroad like those raised by us are allowed to come in competition with our own. Can it be contended with any propriety that there can be, in such a state of things, a market price for commodities in the sense of the economists? Again, the supply of our own productions is inadequate for a liberal consumption. Bread, meat, shoes, cotton, and woolen cloths are painful illustrations of this stern fact; and, I ask, where is the competition to be found which is to put these articles within easy reach of the naked and the hungry. It is sometimes said that it is the currency which causes this great exaggeration of prices. To some extent this may be so; but where the supply of actual necessaries is deficient, and the price of them is fixed by the conscience of the seller alone, the currency is of but little significance. The hungry must be fed, and the seller knows it; and the price must be paid in whatever currency required.

Nor is the maximum unknown in daily life. It was the law that the person who took out a license as a tavern keeper should keep proper accommodations for the traveler, and then should not charge him for meals at pleasure, but only the rates fixed by the county courts. So in the case of bridges and ferries, where the prices are fixed by law. But there is a very remarkable case of maximum which seems to have escaped general observation—I mean interest upon money. No lender shall take more than $6 for the loan of $100 for one year. Should the lender bargain for more the contract is void. If he takes more he forfeits double the sum loaned. Here is a maximum of great antiquity on money, the token or representative of all property; and yet it is not proper to set a maximum on the property so represented.

That the law of maximum will be difficult to enforce, I readily admit. So is the whole criminal code. So is the law which forbids the loan of money at more than legal interest. So is that bright, hopeful, and glorious plan of salvation for which a Savior died. But shall we for such reasons abandon our efforts to reform, benefit, and save mankind?

But the maximum would have other important advantages. It would put an end to discontent among the people; it would extinguish the practice of hoarding and hiding. Without any hope of increasing prices producers would cheerfully furnish to consumers their surplus. Uniformity of price and the application of

the maximum to all things would, I am persuaded, inspire general satisfaction, and relieve the necessary duty of collecting supplies for the Army of that irritation which has heretofore, in many cases, made the duty most unpleasant, and restore those kind and agreeable relations which should always exist between the people and their Government. Surely, when such must be the happy consequence of this measure, the States will speedily adopt it.

The act entitled "An act to provide for the purchase and distribution among the people of the State of cotton, cotton yarns, cotton cloths, and hand cards," passed March 9, 1864, was put in operation shortly after your adjournment by the appointment of S. Bassett French, esq., as commercial agent. It was somewhat delayed by the difficulty of obtaining a suitable agent, not a single application for the agency having been made, in consequence, chiefly, of the large amount for which a bond was required, and I was compelled to press it upon Colonel French, then acting as my aide. The agency, although very much embarrassed for the want of transportation, and restricted in the extent of its operations, has been a source of very great relief to the people. Its operations, limited as they have been, have had a decided effect upon the markets of the articles in which it dealt. It has saved thousands of dollars to the people and greatly improved their comforts. The report of the agency, which will soon be laid before you, will be a powerful argument in favor of a maximum, inasmuch as they have to a very large extent prevented the shameless extortion practiced upon our fellow-citizens in the enumerated articles, clearly demonstrating its necessity, or the appropriation of large sums for the purchase and sale by the State at cost of all the leading articles of consumption.

I have already mentioned that I had engaged in some operations designed to relieve the distress of our fellow-citizens, and I will now add, have also supplied to some extent the penitentiary and State guard. I also, with a view to aid in furnishing materials to the workshops of the penitentiary, shipped several small lots of cotton abroad, and imported in return leather, steel, and a variety of other articles intended for the purposes stated and the other uses of the State. I have also ordered cloth for the State guard, which for want of proper clothing presents a very discreditable appearance. The result so far of these operations is highly satisfactory. The difficulty in this business is in obtaining transportation on the railroads, their whole capacity being generally engrossed by the Confederate Government. With a train the exclusive property of the State and a moderate appropriation I could put supplies of bread and meat here which would greatly relieve the distresses and wants of our people. With an appropriation of an amount sufficient to enable me to purchase a steamer and to load her with cotton and other staples, I could clothe our volunteers in comfort and decency and enable the State to redeem the pledge made to our volunteers by the resolution adopted January 17, 1862. It is mortifying to the pride of the Virginian to see our gallant soldiers in the field in a state of want and destitution, while the soldiers of other States more enterprising have every comfort which they require. With these facilities I could easily supply all of our State institutions abundantly and upon the best of terms. I shall be prepared to submit to a committee of the Legislature an account of these operations which I flatter myself will be entirely satisfactory.

In the management of the purchases I have made, within the Confederacy as well as abroad, and in the distribution thereof, I have

called to my aid the quartermaster's department, the members of which have cheerfully performed all the duties required of them. The report of the acting quartermaster-general, Major Fitzhugh, will disclose the character and extent of these operations, and is herewith respectfully submitted.*

In connection with this subject I have to call your attention to the rights of the State over the railroads within her limits. By the twenty-third section of chapter 41 of the Code it is provided that "troops, persons, and munitions, &c., and other property of the Confederate States shall in time of war be required to pay only one-half of the regular tolls payable by other persons." The construction put upon the railroad law by the managers of these roads, sustained by the opinion of the attorney-general, is that Virginia is not included in this provision, and that freights upon her goods and persons traveling in her service are charged as the persons and property of private individuals. This discrimination is certainly very unjust to the State, especially as she is a large stockholder in all of said roads. Some of the roads, it is true, have put the State upon the same footing with the Confederate Government, but that is at the pleasure of the management of the road, and ought to be regulated by law. In North Carolina and other States the practice obtains, I suppose by authority of law, that whenever the Governor requires a train on the road for the public use he issues his order to the particular road upon which transportation is required, and it is promptly furnished to the exclusion of all other demands whatever. I respectfully suggest that a similar law be enacted, conferring upon the Governor the same authority.

Allow me to suggest a careful examination into the business operations of our railroads. Undoubtedly they are far from affording to the traveler that comfort, celerity, and dispatch which was expected at the time of their construction. This is hardly denied by the managers of the roads, and their excuse is the pressure of the Government business and the difficulty of obtaining the requisite materials and hands to keep them in proper order. Others say, however, that the fault consists in their failure to apply their receipts to repairs, equipment, and construction, growing out of their eagerness to pay off their debts. Without professing to know how the fact is, the inconvenience to the public calls for a careful investigation.

I have the honor to lay before you for your consideration the annual report of the adjutant-general.* It embraces the report of the ordnance department. Like all the reports of this old and valuable officer, it abounds in wise and practical suggestions, which I recommend to your favorable consideration.

I submit likewise the report of the attorney-general.*

From my late connection with the Army I could but learn the great inconvenience and expense to which our soldiers are put in the adjustment of their claims against the Confederate Government. The claims of the widows and orphans of those who had died or been killed in battle were also difficult of adjustment for want of proper information and the great expense of prosecuting them before the Government, resulting frequently in their abandonment, or in the employment of agents at a ruinous compensation. I felt that some provision should be made for an easier and cheaper collection of these highly meritorious demands. With this view I ordered Col. Henry Hill, paymaster-general of the State, without existing employment, to undertake the

*Not found.

adjustment of all such claims free of charge. He was also directed to attend to all claims on the part of any soldier of the Virginia forces, also free of charge. And I authorized him to provide himself with whatever was necessary to the efficient performance of his duty. Colonel Hill being in the pay of the State, the additional expense will be inconsiderable; but still, if such an agency should meet with your approbation, some legislation will be necessary to perfect it. I am satisfied that it has already produced much good, and I recommend it to your favor.

After your adjournment I was repeatedly called upon to take steps to make a record of the Virginia forces, which should include not only a full list of all those gallant spirits who had dedicated their lives to the defense of their country, but also a list of deaths by disease and battle; of those wounded, and at what places; of those distinguished by acts of extraordinary gallantry; of desertions; of traitors; in short, to make a roll of honor as well as dishonor, so as to transmit to posterity a complete record of the conduct of the sons of Virginia. Completed and carried out, as it is important it should be, it will be a book of valuable reference and of profound interest to us all.

Yielding to what seemed to be public sentiment, and instituting an examination to see what laws, if any, had been passed upon the subject, I found an act passed February 7, 1862, entitled "An act to empower the Governor to have made out and filed in the state department complete lists of Virginia forces."

In the preamble to the act the policy indicated above seems to have been intended by the Legislature; and as the power is conferred by that act upon the Governor to do all things necessary to carry out such intent, I organized a board accordingly, by the appointment of Joseph Jackson, jr., as the head thereof, with an assistant, and specified the salaries to be received by them—inadequate, it is true, but conforming substantially to the compensation provided by law for the officials in the several departments of the State government. I subsequently authorized other appointments, still, however, not in sufficient number to proceed with proper dispatch in the execution of this noble work. The plan and progress of the work will, however, be disclosed in the official report of Mr. Jackson, to which I invite attention.

In consequence of the great atrocities of the enemy, of every description known to savage war, I enlarged the duties of the recorder by directing him to take evidence of the outrages referred to, that an undoubted memorial thereof might be preserved and the truth might stand forever vindicated. I deem this the more necessary, as posterity will not believe, without the clearest proof, that a powerful people, boasting of its civilization, was capable of perpetrating acts that should damn them throughout all time and with every Christian nation. This organization, however, requires legislation to perfect it.

The penitentiary report will also be laid before you. I flatter myself it will exhibit very gratifying results. I believe that under the management of its present efficient superintendent it will soon develop a high degree of prosperity. It has labored under great disadvantages from want of supplies and proper managers, from which causes heavy losses have been sustained. When large shops are without material and the hands consequently without employment, when an unskilled manager of a shop permits work to be imperfectly finished, heavy losses must be inevitably incurred. Such has been

the case with this institution under its present organization on several occasions. It is almost impossible to obtain materials in the existing condition of the country, and true economy requires us to encounter the hazards of the blockade business that we may draw our supplies from abroad. Another disadvantage to the institution grows out of the number of convictions for short terms. The period is too short for the convict to learn a trade, and his labor is consequently wasteful and unproductive. I trust, gentlemen, that you will correct this evil by increasing the minimum term for which imprisonment in that institution is permitted.

I have exercised the pardoning power with liberality in the short-term cases, especially when the convicts were soldiers or would make such. I thought it better to restore them to their commands or to the enrolling officer, as the case might be, after a confinement sufficiently long to vindicate the majesty of the law, than to protract an unprofitable confinement. A list, however, of the convicts who have been pardoned, with the reasons therefor, will be laid before you.

The mode of supplying the penitentiary through a purchasing agent has been most judicious, and has in a degree protected that institution against the effect of advancing prices. I have found it very difficult to provide proper clothing for the State guard, in consequence of which their appearance is not such as could be desired. I have, however, recently made a temporary arrangement to obviate this difficulty, which I hope will not again occur. A most expensive system existed of supplying the guard with rations, which I deemed it my duty to change. I directed the purchasing agent of the penitentiary to purchase for this organization also, which has been done so satisfactorily as to save a large sum to the treasury. The appropriation need not be as large for the coming year as for that of the preceding one.

I herewith communicate the report of the rector and visitors of the University of Virginia.* It is so full and satisfactory that it requires no comment.

I also lay the report of the Central Lunatic Asylum before you.* I invite attention to its suggestions. One of them is to sanction the purchase of supplies by the obligations of the institution, payable after the war. This is rather an interesting question, and without entirely adopting the suggestion I commend it to your attention. I regret that this great public charity should feel the influence of an expanding currency in the enlarged appropriation which it needs. You will not, I am sure, refuse it.

The report of the Virginia Military Institute will of course be laid before you. This valuable and interesting institution has suffered severely from the inflictions of this war. Her gallant corps of cadets have illustrated their training by conspicuously participating in the hard-fought battle of the 15th day of May, 1864, at New Market, under Major-General Breckinridge, and given a foretaste of what may be confidently expected of them when new fields may demand their valor and maturer manhood may call for its display. Subsequently, however, the advancing power of the enemy swept up the Valley, and in its desolating path destroyed their fine buildings, making it necessary to obtain other quarters. After much difficulty the almshouse near this city, admirably fitted for the purpose, has been obtained, where the exercises of the school will be resumed as soon as the proper preparations can be made.

* Not found.

The report of the auditor of public accounts shows that the revenue standing to the credit of the Commonwealth proper on the 1st day of October last amounted to $5,416,734.87. The same officer estimates receipts into the treasury during the fiscal year ending 30th of September next, from the several sources of revenue, at $4,612,010, making a total sum of $10,028,744.87. He estimates that the disbursements during the same period will be $21,509,090.61, leaving a deficiency of $11,480,345.74.

Since the 1st of October, at the beginning of the fiscal year, the commissioners, consisting of the Governor, treasurer, and auditor of public accounts, in pursuance of "An act to authorize the funding of certain currency belonging to the State in Confederate bonds, and to authorize the sale of such bonds if necessary, and to authorize the conversion of other notes into other issues," passed March 3, 1864, caused $5,000,000 of the currency then standing to the credit of the Commonwealth to be funded in 6 per cent. Confederate bonds; and although they were authorized by act of Assembly to make sale of the bonds, they have neither deemed it necessary or prudent to do so. This funding has withdrawn $5,000,000 of the currency which stood to the credit of the Commonwealth on the 1st of October, and would apparently enlarge the above deficiency to $16,480,345.74 were it not that the Legislature may satisfy a part of the present demands upon the treasury due to the commissioners of the sinking fund by a transfer of the said Confederate bonds to that corporation, under the provisions of the twenty-ninth section of the fourth article of the constitution of Virginia, which provide that—

> There shall be set apart annually from the accruing revenues a sum equal to 7 per cent. of the State debt existing on the 1st day of January, in the year 1852. The fund thus set apart shall be called the sinking fund, and shall be applied to the payment of the interest of the State debt and the principal of such part as may be redeemable. If no part be redeemable then the residue of the sinking fund, after the payment of such interest, shall be invested in the bonds or certificates of debt of this Commonwealth, or of the Confederate States, or of some of the States of this Confederacy, and applied to the payment of the State debt as it shall become redeemable. Whenever after the said 1st day of January a debt shall be contracted by the Commonwealth, there shall be set apart in like manner annually for thirty-four years a sum exceeding by 1 per cent. the aggregate amount of the annual interest agreed to be paid thereon at the time of its contraction; which sum shall be part of the sinking fund, and shall be applied in the manner before directed. The General Assembly shall not otherwise appropriate any part of the sinking fund, or its accruing interest, except in time of war, insurrection, or invasion.

It must be remembered that no part of the State debt is redeemable except at the pleasure of the General Assembly, in which event the commissioners of the sinking fund may invest the funds, as well for redemption as for investment, in the bonds of the Confederate States. This disposition of the Confederate bonds would diminish the present demand upon the treasury by the sum of $2,269,772.80, now due for redemption and investment, and relieve the treasury from the obligation of making further provision for such fund until after the year 1868.

I deem it right to say that this large deficit may not be expected to be called for during the coming year. Indeed, I am satisfied that there will be no difficulty in meeting all demands upon the treasury, with the aid of proper arrangements. Besides other large claims against the Confederate Government, the auditing board of the State report a balance against it for moneys paid out or cash articles supplied amounting to $8,154,601.01. Some of the vouchers for this

amount have not yet been obtained, but there will be no difficulty in procuring them. This large claim should no longer be neglected, but to some one should be assigned the special duty of settling and collecting it. Its payment would greatly relieve the treasury.

The statement of the treasurer is herewith submitted, characterized by its usual intelligence and perspicuity.* It requires no comment.

The second auditor's report will also be laid before you. It exhibits a clear and lucid condition of the public debt.

Under the operation of the tax laws of the Confederate Government the right is asserted to tax the stock of the State in her various corporations. This claim was made during the administration of my predecessor and was then abandoned, but is now revived. It is not pretended that the Confederate Government has a right to tax State property, but it is insisted that her property in banks, railroads, and other corporations being in the form of stock, she has merged her sovereignty, and consequently that she has only the rights of private corporations, and is subject to the taxation imposed upon them. This distinction is merely technical, and I forbear criticising it as I might. The opinion of the attorney-general is strongly against it. As the amount involved is large it should receive prompt attention.

A strong disposition has been evinced from time to time to suppress distillation of grain, &c., but unfortunately the distillation of undried fruit was not included in the prohibition. The recent crop of apples was the most abundant we have had for many years, and would have furnished a large amount of healthy succulents and an ample supply of vinegar, so essential as an anti-scorbutic for our soldiers. But a frenzy almost seems to have seized upon the people for converting this fine crop into brandy, which in its effects upon our Army is most pernicious. I earnestly recommend that the law may be enlarged so as to comprehend an inhibition of the distillation of all fruit.

Difficulties still exist in connection with the State salt-works, and the transportation to and from them. It is very much to be regretted that this gift of God to man cannot be enjoyed in peace. The States of North Carolina, Georgia, Alabama, and Tennessee, through their agents, complain of their treatment in relation to their trains, and believe that they do not obtain that liberal justice which they think the comity between the States should give them. This impression originates, from what I can learn, in the manner in which transportation is conducted on the Virginia and Tennessee road, and in the belief that the private salt of the State superintendent is transported thereon contrary to the spirit of the acts in relation thereto. By the law as it now stands it is expressly declared "that whenever the superintendent shall become interested, directly or indirectly, in the manufacture or sale of salt his office shall be declared vacant." By a contract between the board of supervisors and said superintendent they hire from him 121 negro men, at ten bushels of salt each per month, and twelve negro women, at five bushels per month, each, making an aggregate of nearly 1,300 bushels of salt per month, which necessarily must find a market or be useless to the owner. The right as well as the policy of such a contract may well be questioned. Undoubtedly it nullifies the restriction referred to, and moreover inspires an impression on the part of those interested in the production and transportation of salt that it is to the interest of the super-

*Not found.

intendent to appropriate the transportation to his own private benefit, and to embarrass its production and transportation on the part of others. However unfounded this suspicion may be—and I have great confidence in the fairness and integrity of Colonel Clarkson—yet the policy of the act prohibiting the superintendent from any interest in the sale of salt, so as to protect him from all suspicion, ought undoubtedly to be sternly enforced. I respectfully suggest that a different mode of compensation than that of salt should be adopted. It will not do for Virginia, controlling as she does this great necessity of man, to allow such a state of things as may even plausibly subject her superintendent to the imputation of using the great power which must be confided to him for his private ends. It does not look well, after impressing the property of Stuart, Buchanan & Co., to protect the country against what was thought to be their extortion, to allow in any degree a similar power to her agent.

I respectfully submit that we, the State of Virginia, ought not to embarrass in any respect the trains of our sister States strictly engaged in the transportation of their own salt, which we have authorized them to make. I cannot doubt that the Virginia and Tennessee road, when it is necessary to do so, can easily obtain by private arrangement the use of such trains, when not engaged in transporting their own salt. Nor can I see the difficulty which seems to prevail in getting fuel to the salt-works, or removing the salt when made therefrom. A single train of cars per day, I am informed, will carry more wood to Saltville than our works will consume, while a single train therefrom carrying 3,000 bushels will transport one-third more than the whole supply needed by the Confederate Government and the State of Virgina. Manifestly something is wrong, and I respectfully invite your careful attention to the matter. I think the operations at Saltville would be greatly simplified by the State undertaking to supply her sister States with salt, deliverable at Saltville, they sending by their trains supplies for the use of the works at that place. I have no doubt such an arrangement would give satisfaction to all concerned.

I have now, gentlemen of the Assembly, frankly presented to you my views upon all measures to which I deem it necessary to invite your attention. I cannot hope that you will concur with me entirely; but no measure has been suggested which, after careful consideration, does not strongly impress me as either necessary to the improvement of our condition, or calculated to strengthen our hands in the fearful struggle in which we are now engaged. Our national life depends in no slight degree upon the separate action of the several States of the Confederacy; and I would not have our beloved State in any of her departments to betray a want of the purest and highest heroism in her official conduct. Let us, gentlemen, remember, in the eloquent language of our court of appeals, that "the obligation of the citizen to render military service is a paramount social and political duty," and pass all laws which are necessary to give a military organization to our whole people. If in any proposed measure we doubt our power or its propriety, let us remember that it is a well-established rule of construction "that all grants of privileges and exemptions from general burdens are to be construed liberally in favor of the public, and strictly as against the grantee."

And now, gentlemen, firmly relying upon a merciful God to crown our efforts with a safe deliverance from the perils which threaten our

dearest hopes and most precious interests, I invoke the favor of Heaven upon your labors, not doubting but that all your aims will be your country's, your God's, and truth's.

Respectfully,

WM. SMITH.

[Inclosure.]

AN ACT to provide for a State guard.

Whereas, the State of Virginia has suffered severely during the present war by the hands of our uncivilized foe, in the desolation of the homes, the waste, consumption, and robbery of the property of many of our people; and whereas, large districts of our territory are in the hands of such enemy, while the people thereof, because of such barbarian conduct, have been, in many instances, reduced to poverty and want, and not unfrequently imprisoned in loathsome dungeons, for no other reason than their detestation of the wretched tyranny by which they are outraged and oppressed; and whereas, the conduct of our foe clearly indicates that he has no expectation of reconstruction nor desire of reunion with us, and looks only to our impoverishment and subjugation, thus imposing upon us the noble duty of organizing our whole strength in aid of our gallant brethren in the field, that by our combined exertions we may establish our liberty and independence, or failing in which, may find a patriot's grave; and whereas, the able-bodied men of the State, designated as the militia thereof, are now in the service of the Confederacy or subject to her control, while we have a large number of men and lads who are able to render most important service in repelling raids, arresting deserters, and other military delinquents, relieving posts and assisting in the defense of cities, towns, &c., are unorganized and subject to no military duty whatever: Now, therefore:

1. *Be it enacted by the General Assembly*, That all white male inhabitants of the State, of sixteen years and upward, who are not enrolled in the Army of the Confederate States, or who have been discharged therefrom, and all refugees and persons sojourning within the State, shall be immediately organized by the Governor in such manner as to him may seem best. It shall be the duty of the several county and corporation courts to convene immediately after the passage of this act, and with the aid of the commissioners of the revenue, sheriffs, and sergeants, and, by way of assistance to the Governor, cause all the persons before mentioned to be enrolled. And it shall be the duty of all persons subject to enrollment to report themselves to said courts without delay, stating their respective ages. Any person who may fail or refuse to report himself shall be fined by the court not less than $50 nor more than $100, to be levied and collected as militia fines. In execution of the duty required of them by this act, the courts are empowered to require the attendance of their clerks, the sheriffs, sergeants, and commissioners of the revenue of their several counties and corporations, whose presence shall be entered of record. And should any one of the officials before enumerated fail in their attendance in whole or in part, without good and sufficient cause, of which the court shall be the sole and exclusive judge, such delinquent shall be fined $100, to be collected as the other judgments of their courts, and paid into the treasury of the State. The enrollment hereby required shall be preserved in the clerk's office, and a copy thereof shall be forwarded to the adjutant-general of the State.

2. The special character of the service herein provided for leaves but little room for exemptions or substitutes, and therefore they are left to be provided for, in peculiar cases, by the Governor, by such regulations as he may deem expedient. But all professors of religion, of whatever denomination or creed; all physicians, all shoemakers, tanners, blacksmiths, wagon makers, millers, and engineers, millwrights, operators in wool and cotton factories, paper mills, and all teachers of colleges, academies, schools and theological seminaries; all artisans, mechanics, and employés in the establishments of such persons as may be engaged under contracts with the State or Confederate Government; all managers, mechanics, and miners employed in the manufacture of salt, of lead, and iron; those engaged in burning coke, miners in coal mines, and all those engaged in attending upon cattle, mules, horses, and sheep; all who may be engaged for police purposes, and such as have been or may be exempted by the President on the ground of justice, equity, or necessity, and exempted under and by virtue of the act of Congress passed 11th of October, 1862; all men detailed for special duty by order of the Secretary of War, his assent thereto being first had and obtained, and all who shall have furnished substitutes in the State or Confederate service, refugees and persons sojourning within the State, shall be embraced in the enrollment directed by this act.

3. The Governor is authorized and required to organize the force provided by this act in all respects as to him may seem best. As soon as he shall complete the organization herein directed he shall report the same to the General Assembly for their information, and for such action, if any, as to them may seem fit. This force shall be denominated the "State Guard," and may be called out by the Governor, in part or in whole, whenever in his judgment it is necessary in defense of the State; in resisting raids and sudden invasion; in preserving order and domestic tranquillity; in relieving the Confederate Government from the necessity of providing guards for the protection and security of prisoners; for the various posts and other necessary organizations; to arrest deserters, absentees, and other military delinquents. Such portions of the State Guard as may be raised in their respective counties, cities, and towns shall be assigned to duty therein, if not inconsistent with the public interests, when necessary. No portion of such guard shall, under any circumstances, or at any time, be required to go beyond the limits of the State; nor shall such guard or any portion thereof be called into service for a longer period at any one time than thirty days.

4. Such enrolled men as possess private arms may be required to use them in the public service, and shall be compensated for any loss or damage they may sustain by so doing. The remainder shall be armed by the State, and all shall be furnished with the requisite ammunition. It shall be the duty of the Governor to see that the arms and other public property which may be issued from time to time to the State Guard, shall be promptly accounted for and delivered up, when thereto required, under such rules and regulations as he may prescribe.

5. The Governor may establish such rules and regulations for the promotion of discipline and efficiency in this organization as he may deem necessary. And if any person who is held to service under this act shall fail or refuse to perform any of the military duties required by its provisions, he shall be imprisoned in the jail of the county or corporation not less than ten nor more than thirty days, at his own

proper costs and charges, and shall be fined not less than $10 nor more than $100; and if he be not a native of any of the Confederate States, shall be required to leave the State of Virginia forthwith. The commandant of each regiment shall detail a board, consisting of one field officer and two commandants of companies, and the commandant of the battalion, where there is no regiment, shall detail a board, consisting of three commandants of companies, who shall take cognizance of and decide upon all such cases. All fines imposed by these boards shall be promptly collected by the sheriff or sergeant as militia fines, upon certificate of the presiding officer.

6. This act being a war measure, will cease and be of no effect from and after the proclamation of peace. So much of the act passed March 7, 1862, entitled "An act to authorize the Governor to organize and call out certain military forces for the defense of the State," as provides for the organization of a second-class militia, and the act passed May 14, 1862, entitled "An act to organize a home guard," be and are hereby absorbed in the organization authorized by this act; and all other acts and parts of acts in conflict therewith shall be and are hereby suspended. All commissions under the acts above specified shall be and are null and void.

7. This act shall be in force from and after its passage.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 10, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

I have the honor to submit my answer to the inclosed resolutions of the Senate, transmitted by you to me. (Resolutions adopted on 5th instant, in relation to act of 6th of February, 1864.*)

First. The tenth clause of the regulations established under the act of February 6, 1864, is as follows:

> Nothing in these regulations shall be so construed as to conflict with the proviso of the law which declares "that nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated on their own account, nor shall a bond be required of a State in any case."

In executing this clause no restriction has been imposed upon any State, and no State has been asked to give a bond, as required of all private owners. All vessels except those owned exclusively by States are subject to the regulations and compelled to carry out cotton and bring a supply for the Confederate States Government. If a State should be a subscriber to one of the joint stock companies for running the blockade or in partnership with private individuals in a vessel, such vessel would be held as subject to the regulations, but all vessels and cargoes belonging to States are held to be entirely exempt, and no restriction attaches to them.

Second. The number of vessels engaged in running the blockade has steadily increased since the establishment of the regulations and is now larger than at any time before. Many new steamers are understood to be on the way to engage in the business. This, too, though the stringency of the blockade is supposed to be constantly augmenting.

Third. The regulations have been beneficial to the Confederate States Government in furnishing the means abroad to purchase supplies and munitions of war and the tonnage required to transport them to our ports. Prior to the passage of the act owners of steamers,

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* See p. 897.

upon application of the Secretary of War, conceded to the Confederate States Government a portion of their tonnage for outward and inward cargoes, but the act of Congress and the regulations under it were necessary to secure uniformity and to compel such persons as were reluctant to make the concession. The annexed statement, showing (1) quantity of cotton exported for the Confederate States Government and its estimated value, and (2) the leading articles imported, exhibits some of the substantial advantages that have accrued to the Confederate States Government. [The report of Lieut. Col. T. L. Bayne (the officer specially assigned to so much of the duty as devolves upon the War Department under the act and regulations), hereto attached, will present the subject more in detail.*a*]

Our agents abroad represent that the act and regulations have been in the highest degree beneficial in appreciating the public credit and enabling them to procure additional supplies at reduced rates.

Fourth. It would be exceedingly inexpedient to repeal the act, and experience has not suggested to me any modification or amendment as necessary. On the contrary, the act and regulations are just becoming well understood, and the Confederate States Government is appreciating more and more the benefits resulting from them.

The duty attaches peculiarly to the Confederate States Government to provide supplies and munitions of war for the public defense, and it is better in every respect that the duty should be wholly performed by the Confederate States Government, especially when in devolving any portion of it upon the States the means to that extent are withdrawn from the Confederate States Government. If a concession is made to the States to charter vessels, and if such vessels be exempted from the operation of the regulations, each State becomes a competitor with every other State and the Confederate States Government. The uniformity contemplated by the act of Congress will be destroyed. Competitive charters will be made, not only to secure ships, but to secure the entry to particular ports. If one State undertakes to supply its troops, every other State will be compelled to undertake the same duty. Unequal provision for the soldiers of different States will create jealousy and dissatisfaction among them, and ultimately the Confederate States Government will have to reimburse the States. The competition of the States with each other and with the Confederate States would, I fear, extend to transportation over the railroads when it was inadequate to the delivery at the sea-ports of cargoes for all vessels partially owned or chartered by them. Agencies at home and abroad would be largely multiplied, which would aggravate the competition in every form. It may be safely assumed that all vessels will run under the regulations, carrying cotton and bringing in supplies for the Confederate States Government, unless they can make more advantageous arrangements with particular States. Whatever, therefore, is gained by such arrangements will accrue to individuals and will be so much subtracted from the Confederate States Government.

The resolutions are general in their character and seem to justify—indeed, to call for—the expression of these views.

I have the honor to be, very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

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a The sentence in brackets stricken out, before transmitted to the President, by direction of the Secretary of War.

Shipments of cotton since March 1, 1864.

	Bales.
Account Niter and Mining Bureau	873
Account Medical Department	328
Account Engineer Department	57
Account Commissary Department	1,248
Account Quartermaster's Department	1,829
Account Ordnance Department	1,776
To, say, War Department	6,111
To, say, Navy Department	4,861
To, say, Treasury Department, 12,840, and one-half of contract steamers (6,974), 3,487	16,327
Total	27,299
27,299 bales at £40 average = £1,091,960, at $4.85	$5,296,006
Equal in currency at 25 to 1	132,400,150

Importations of leading articles at Wilmington and Charleston since November 1, 1863.

	From last statement, Oct. 26, 1864.	From Oct. 26 to Dec. 8, 1864.	Total.	Estimated quantity or weight.
Leather ..... packages..	666	3	669	
Lead ..... pigs..	12,396	150	12,546	1,507,000 pounds.
Do ..... casks..	54	.....	54	
Saltpeter ..... packages..	9,226	473	9,699	1,933,000 pounds
Revolvers ..... do....	97	.....	97	
Boots and shoes ..... do....	2,915	857	3,772	545,000 pairs.
Blankets ..... bales..	2,921	322	3,243	316,000 pairs.
Meat ..... packages..	15,194	6,085	21,279	8,632,000 pounds.
Rifles ..... cases..	2,818	328	3,146	69,000.
Coffee ..... packages..	2,453	540	2,993	520,000 pounds.
Cannon	43	.....	43	
Copper ..... packages..	1,452	24	1,476	
Swords ..... cases..	134	.....	134	
Rope ..... coils..	816	104	920	
Medicine ..... packages..	2,222	417	2,639	

BUREAU OF SUBSISTENCE,
Richmond, December 12, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In response to the inquiry contained in the Senate resolution of December 5, as follows:

Resolved, That the Committee on Military Affairs be instructed to inquire whether the daily ration issued to the men of the Army is sufficient, and if not, whether any legislation is necessary in regard thereto,

I have to reply—

First. There has been no serious complaint or suffering from defect of subsistence in any armies outside of Virginia, the territories from which they draw being comparatively undesolated by the enemy.

Second. As to the armies in Virginia, the ration for 100 men is as follows: 100 pounds flour or meal per day; 100 pounds fresh beef or 33⅓ pounds bacon per day; 10 pounds rice; 2 pounds soap; 1 gallon vinegar; 2 quarts salt.

The troops in the trenches are furnished with the same ration as other troops of the Army, with the addition of six pounds sugar and

three pounds coffee to the hundred men. This is the best that can be done under the existing state of things. The law regulating the rations is most liberal and the ration table is superabundant, but for over two years it has been impossible to meet their requirements and the ration has been gradually declining. As time advances the funds for procuring subsistence become less and less devisable and available, and the obstacles to collecting what is in the country increase in like ratio.

In addition to the depreciation in the currency, a further and very great difficulty has been experienced in obtaining money. The Treasury has generally failed, and particularly since April 1 ultimo, to respond with promptness to requisitions, until now it owes this department $35,500,000, and though this Bureau has paid out more bonds and certificates of indebtedness than all other bureaus of the War Department put together, it has yet been unable, owing to the above-stated deficiency in funds, either to make sufficient purchases or enforce impressments when they have been resisted. The cure or mitigation of these evils is matter of legislation in finance, taxation, and impressment. My policy, as exhibited in my letter to Major Moses and the accompanying circular, herewith inclosed,* is what I would recommend for impressments. Still another difficulty arises from the actual scarcity of supplies. There is not enough meat for a full supply for all, and this excites the fears and avidity of all, individually and collectively, to change their depreciating currency into substantial commodities, and while all others crave and are generally allowed a full supply the commissariat must do its best in gleaning industriously. But this deficiency of meat is not the most formidable feature. Bread threatens to be deficient at an early day, as has been often reported to you, and had the ration not been kept to one pound for the last five months there would not now be one pound on hand. At present there is not here or en route over twenty-five days' rations for 100,000 men, whilst the area for subsistence is being steadily desolated by the enemy. These deliberate attempts to destroy the fruits of the earth, begun cautiously and, as it were, experimentally at first, have now become the system; this renders us more than ever dependent on transportation which has been steadily failing.

Our connection with Southwest Georgia and Alabama has not been adequate to collect supplies of corn here, and these resources are now cut off, and the Danville and Greensborough railroads are our only connection with the two Carolinas. All inland contracts or attempts at contracts for supplies of meat from the enemy's country have proved abortive; in two instances by the interference of our generals, and in others by changes of circumstances and by views of general policy. It appears now that our generals are authorized to regulate the trade. Foreign importations ought to be pressed. These have been resorted to as far as funds could be procured or contracts made. But the Treasury has refused to furnish cotton and has been unable to furnish cash except in very limited quantities, and its policy to import under the regulations has failed to get meat. Blockaders seek freight of great condensed value and little specific gravity; therefore meat is not brought in when it can be avoided, and the regulations, whether appropriate or not for other departments, have not succeeded in bringing meat from abroad, either as original purchases or as freight. In fact, what has been accumulated at the islands has not

* Inclosure not found.

been brought in fast enough to keep it from spoiling. The conclusion that the same regulations which may be suitable for the stores of other departments will not suffice for the introduction of subsistence is set forth in a report made by Lieutenant-Colonel Ruffin on this subject and in an indorsement by me thereon, which is herewith referred to you. Legislation is also required in respect to those agriculturists who are exempt by law, but who evade their obligations to devote their time, capital, and labor to raising supplies for the Government. I called attention to this point some time ago, and now urge that exemptions be revoked or placed under the control of the War Department, with power to revoke them when the parties do not zealously devote themselves to advancing the ends of the Government rather than their own. These parties now assert their independence of the War Department, and claim that their exemption is by act of Congress, and that the remedy against them for failure to comply with their obligations is by suit on their bond. But few of them in Virginia, at least, have any marketable surplus, and many are devoting their time, skill, capital, &c., to speculation or to supplies not embraced in the law. The organization of the bureau for collecting and distributing supplies is as near perfection as is possible under the general plan that has been adopted for all purchases. Its working has been constantly crippled by the abstraction of trained men and assigning them as privates in the field, under the idea that anybody can do anything, and that any system can be worked well, though harassed by constant changes of its laborers. If the Army is not as well fed as the condition of the country will allow, or if at any time it should be without food, it will be the result of these influences in overruling an efficient and comprehensive system which has proved and maintained itself against constant and potent opposition.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

P. S.—The officer who has been for some time in North Carolina with the object of determining more definitely the prospect of affairs there has returned. He was expected on Saturday night, and arrived after signing this paper to-night. He reports that the State of North Carolina has been purchasing largely of corn and wheat at 100 per cent. over schedule rates, and our officers have been unable to get anything; that impressments are impracticable; that the people will not supply grain under notices of impressment which cannot be enforced, and will not prepare their crops for sale unless market prices are given. Governor Vance was asked by one of the district commissaries who waited on him to cease buying at the rates being paid, which he declined unless the commissariat should supply from that district 20,000 bushels. The officer could not make such engagement, and nothing seems left us but to yield to the demand and appeal to the people to supply the Army on the terms they exact. The effort to sustain the Treasury and the policy of Government in the establishment of the commissioners of appraisement has reached its limit.

The people in both Carolinas and Georgia have vehemently opposed impressment. I see nothing but to admit the force of present necessity and strain every nerve to get in the grain or await the calamities consequent on a deficiency of bread.

CIRCULAR No. 36.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., December 12, 1864.

I. Paragraphs I and II, of General Orders, No. 86, Adjutant and Inspector General's Office, current series, herein recited, are made parts of this circular.*

II. Generals of reserves in the respective States are required to proceed forthwith to execute the above orders, employing therefor all enrolling officers and all other officers under their command not actually on service inconsistent with this duty. It is supposed that the Congressional district inspecting officers and those provided under Circular No. 35, of this Bureau, current series, may be made available.

III. The number of slaves to be obtained in each State is as follows: Virginia, 2,250; North Carolina, 2,250; South Carolina, 2,500; Georgia, 2,500; Alabama, 2,500; Florida, 500; Tennessee, 500; Mississippi and East Louisiana, 1,500. Total, 14,500.

Forms of returns accompany this circular, which can be printed and furnished to the proper officers. Each return must be in triplicate.

IV. When fifty negroes are collected in any locality, either by one or more officers having contiguous districts, they will be forwarded to the nearest camp of instruction in the State, where a complete record will be made, and they will thence be forwarded to points hereinafter stated. In no case will the gangs of slaves be kept over forty-eight hours at a camp of instruction. Generals of reserves are authorized to send a proper officer to such localities from which it may be more convenient to send the slaves direct to the Army, who shall make the record and forward the slaves without passing them through the camp. The impressing officer is authorized to make requisition on the most convenient agent of the Commissary Department for the subsistence of the slaves while under his charge, at the rate of one ration per diem of meat and flour, or meal, and also on the proper quartermaster for transportation, without reference to this Bureau.

V. Impressing officers will require the owner or hirer of the slave to furnish to each slave one good suit of clothes before he is received, the value of which will be estimated in the appraisement. Congressional district examining boards may depute single members of the boards to make examinations in presence of the owner and hirer and the impressing officer under regulations to be prescribed by the Surgeon-General.

VI. Slaves will be appraised by the impressing officer, together with the advisory boards of the county. In localities where there are no such boards the appraisement may be made by persons selected for the purpose, on agreement between the impressing officer and the owner. The hire of slaves is fixed by the Secretary of War not to exceed $25 per month.

VII. In distributing the impressment in the various localities regard will be had to the wants, the condition, and the position of the localities. Credit must be given, of course, for all slaves procured under the instructions of the Secretary of War, dated the 23d of September ultimo, but not for any other existing impressment. This levy is provided for by special act, and its operation is not to be referred to

* For paragraphs mentioned (here omitted), see p. 897.

any other proceeding. Negroes of refugees may be credited to the county in which they are found, or to the county from which they have been removed, after investigation of circumstances, at the discretion of the generals of reserves.

VIII. Generals of reserves will see that their impressing officers exercise an intelligent and thoroughly informed discretion in selecting for impressment negroes who may be most conveniently spared with least prejudice to productive and mechanical industry, and that they conduct this service in the most conciliatory mode consistent with a prompt and firm performance of their duties, receiving the slaves proffered by the owners, if physically competent.

The impressment should be made in all cases according to the rules and regulations provided for the impressment of slaves in the States; and also in all cases an effort should first be made to procure the slaves to be hired by the consent of the owner.

By command of the Secretary of War:

C. B. DUFFIELD,
Assistant Adjutant-General.

[DECEMBER 12, 1864.—For Taylor to Watts, urging the necessity of action by the Legislature of Alabama to strengthen the military authorities, see Series I, Vol. XLV, Part II, p. 683.]

RICHMOND, VA., *December 13, 1864.*

His Excellency President JEFFERSON DAVIS:

Your letter of the 21st ultimo, addressed to me at Crawfordville, Ga., did not reach me before I left there for this place. It has been forwarded here and was received by me only a few days ago. This will explain the delay of my answer. I now avail myself of the earliest opportunity under the press of other duties to reply to your inquiry. In doing this you will of course not expect me to go into a general review and minute specification of everything on your part, including what has not been done as well as what has been done by you in connection with the subject that contributed in bringing my mind to the belief and conclusion referred to. This would be as difficult and tedious as useless. I shall therefore confine myself to two points only.

The first of these was your action in regard to the case of David F. Cable. That you may the better understand what I say on this point, I refer you to our correspondence on the subject. And that you may be the better enabled to appreciate the nature of the impression produced on my mind in the matter, an abstract of the prominent facts in that correspondence by way of recital may very properly be here presented.

You will then recollect that on the 9th day of April, of this year, I called your attention to a communication I had received from this man. He had written to me on the 20th of March, 1864, stating that he was then a prisoner at Andersonville, Ga.; that he was from the State of Ohio, and had accompanied the forces of the enemy that invaded Florida as a non-combatant; that his object, amongst other things, was to cross our lines and to have a conference with prominent men on our side by which concert of action could be procured

between our authorities and the peace men at the North, in the then approaching Presidential election, so as to secure, if possible, the defeat of the Abolition Administration at Washington. Such concert he thought might insure the success of a peace party in that election and eventually lead to an honorable peace. He stated that he was taken as a prisoner at Ocean Pond, in Florida, and was then held as a prisoner of war. He wished a parole and a conference with me and others on our side upon what he styled his mission. For he stated that he had come on this mission after advisement and consultation with the leading peace men in the Northwest, New York, and the Federal Capital. He gave a sketch of the terms on which such concert of action should be based in the opinion of the leading peace men at the North, whom he represented, and sought the interview and conference to see if any concert of action as was desired could be effected, &c.

This letter, the substance of which I recall to your mind, I inclosed to you, accompanied by one from myself to you on the 9th of April. In my letter I urged upon you the importance, in my opinion, of granting to Mr. Cable the parole and conference he asked. Upon the main points in his letter I gave it to you as my judgment that he should be paroled and assured by the highest authority in our Government, even that which alone could initiate peace, &c., that it was the earnest wish and desire of our Government to end the war, which was not of our seeking from the beginning, and to adjust all matters of difference between us and the Government at Washington upon the principles of State sovereignty and the legitimate results of those principles. That the ablest champions of peace at the North were then standing on the principles of the Kentucky and Virginia resolutions of 1798 and 1799, denying the power of the Federal Government rightfully to coerce a State.

I gave it to you as my opinion that it was of very great importance to us to defeat the Abolition party at the North if possible. My view was that the peace men at the North should have every assurance and every aid that it was in our power to give them, by which, if possible, a States' rights organization might be brought into power there, on the defeat of the consolidationists whose present hobby is abolition. In my letter I stated to you that I knew some of our people—and some of those opinions were entitled to consideration—took a different view of the subject. They thought quite as much danger, if not more, was to be apprehended from the election of a so-called conservative Northern President than from one of the dominant party; that the policy of such a man would be not to abandon the war, but to obtain peace through a restoration of the Union by offering terms that would be acceptable to our people. In these views I stated I did not concur; that I apprehended no danger from that quarter. Should the peace party there once get into power a suspension of arms would immediately ensue. Negotiations in some way would commence and the war would certainly after a while end upon the principle of a full, perfect, and final separation of the States. Reunion or reconstruction would be found to be out of the question and would ultimately be abandoned by the most ardent advocates of it on that side of the line. This is the purport of my letter, as you will doubtless recollect.

In conclusion I solicited your views upon the subject, and stated if it met with your approval, and Cable should be paroled, I would hold the conference with him and report to you.

My opinion then was and now is that if hostilities were once suspended and negotiations of almost any sort looking to peace should

be inaugurated, that both sides would ultimately and without more fighting come to the same conclusion that the British authorities and our common ancestors came to after the protracted struggle of the Revolution, to wit: "That reciprocal advantage and mutual convenience are to be found by experience to be the only permanent foundation of peace and friendship between states."

This great truth, found by them after the most painful analysis of years in the crucible of blood, was set forth in the preamble of the provisional treaty of peace at the end of the first war for the principles of self-government on this continent. This truth for the statesman at all times, in my estimation, is far more useful than was ever the fancied philosopher's stone for the alchemist. I did not and do not doubt if reason and passion should once be permitted to have its full and legitimate sway on both sides that this same great political and moral truth would be again affirmed and established as the basis of permanent peace between the several sovereign States now at war with each other.

But to proceed with the recital:

On the 19th of April you replied to my letter of the 9th, saying that Mr. Cable's statement of his case would indicate the propriety of my recommendation in relation to his release; but it so far happened that persons made representations which did not accord with the facts that it seemed to you proper to make an inquiry into the case before action upon it; that orders had been given to a staff officer to investigate the matter, and if it should be found as stated, to put the prisoner on parole, giving him permission to visit me, and then requiring him to go to Savannah and report to the commanding officer at that place to be sent home on parole for exchange, &c.

Two things in this letter, you will allow me to say, struck me as strange. The first was that you confined your approval of my recommendation or views to the point only of his parole or release, and said not one word either approving or disapproving on the subject of the propriety or policy of having the conference he sought or the nature or character of the assurances that should be given him on his being permitted to visit me. Not a word was said on the policy indicated in my letter of our aiding and encouraging as far as possible in bringing into power at the North a party upon the principle stated in my letter. Your views upon this subject I had requested in view of the probable conference.

The other thing in the letter that struck me as strange was that you should have thought that any staff officer was more suitable or competent to make an investigation into the truth of the prisoner's statements than the second officer in the Government. Still I thought both these matters might have escaped your consideration, and I held myself in readiness to confer with him when he should be sent to me after the investigation. I had very little doubt from the internal evidence of his communication that his statements as to his character and objects would upon proper investigation be found to be true. I accordingly wrote to you, immediately after the receipt of your letter, that I should wait at home to have the conference, which would probably prevent my being in Richmond on the opening of the session of Congress in May. Some days passing, and hearing nothing from Cable or the officers at Andersonville in regard to him, I addressed a letter to the commandant at the post there, informing him that I was waiting at home to see Mr. Cable, and asking him to send him on as soon as possible after the investigation should be made. To this

letter the commandant of the post at Andersonville replied on the 30th of April, informing me that on the same day that he had received my letter he had also received a communication on the same question from Richmond; and that he was enabled to inform me officially that Mr. Cable would not be able to visit me soon, and that I need not wait any longer, taking it for granted that the preliminary investigation ordered had not proven satisfactory. I also wrote you immediately on the receipt of this letter and informed you that I should wait no longer. I heard nothing more of this case until the latter part of June. I then received another letter from Mr. Cable, dated the 21st of that month. In it he stated that he was still in prison at Andersonville. He complained of having heard nothing of his other communication. He said he had come to the South as a champion of peace; that he came here in a representative capacity to subserve the interests of the peace party; that he had suffered in position and property by his active exertions in maintaining the great principles upon which the Government was founded, and when he turned his course South he had no doubt that he should find open-hearted friends and all due encouragement; but on the contrary he had been rigidly treated as a prisoner of war and subjected to all the hardships and indignities which unavoidably attach to such a position, and that he had become from these causes and attendant mental anxiety so much reduced that he had no hope for surviving in his then position very long. He asked that relief to which in all justice and equity he thought he was entitled. If his mission here should fail, there was much important work for him to do in the North during the then pending Presidential campaign. At all events, he implored that he should not be permitted to perish in that place for his family's sake.

This is the substance of his letter. On its receipt I immediately wrote to the commandant of the post to know the result of the investigation which you had informed me had been ordered in his case. I wished to know if anything had been disclosed in it which rendered him unworthy of further efforts on my part in his behalf so far as a release was concerned; if not, I intended, for the sake of humanity at least, to call your attention again to his case. The commandant at the post promptly answered my letter, informing me that no investigation had ever been made in his case.

I need not say to you in this recital how much surprised and astonished I was on receiving this information, for I immediately addressed you upon the subject, inclosing a copy of Cable's letter of the 21st of June, and stated to you my surprise that no such investigation had been made in this case as you had informed me on the 19th of April had been ordered, and which, as I had written to you, I had taken for granted had been made and had proven unsatisfactory, from the letter of the commandant at the post that he had heard from Richmond upon the subject, and that I need wait at home for Cable no longer.

I again urged the case upon your consideration as one deserving prompt attention. To this communication, sent on the 5th of July, you made no reply. Matters so remained until I got a letter from the commandant of the post, dated the 23d of July, informing me that Cable was dead.

Now, sir, I assure you that all the facts of this case taken together, of which I have recited only a brief statement (but with the whole in detail you must be familiar), made the very decided impression on my mind that you did not favor the proposed conference with Mr. Cable,

though he averred that he came on a special mission as the representative of the leading peace men at the North; that you did not approve of having him receive the assurance which I thought it best he should receive, even from yourself, and that you did not consider it to be consistent with our best interests to foster, encourage, and to aid in bringing into power a peace party at the North, on the principles stated in my first letter to you—which party was then struggling into existence and which, after all its embarrassments and discouragements in its organization under the denunciatory epithets of "traitors" at the North, and the ridicule and reproach of "copperheads" by many at the South, as well as North, finally presented the name of McClellan as its candidate.

The fact that you had not said anything in approval of my views on the subject when requested, and when it was important that I should know them, in case the proposed conference should take place, tended to produce that impression; and then the fact that no investigation, such as you wrote me on the 19th of April had been ordered, had taken place up to the 21st of June; and after my sending to you Cable's second letter of that date, the fact that he was still kept in prison and permitted to die there without any conference, any release, or any investigation, increased that impression almost, if not quite, to a conviction.

But if I had been in doubt on this subject and your preference as between Lincoln and McClellan, it seemed to me that your speech at Columbia, S. C., as reported in the papers, could not have left me in that condition long.

This brings me to the second of the points I said in the outset I should confine myself in answering your inquiry.

The peace party at the North had planted themselves at Chicago, virtually, upon a States' rights platform. In their resolutions they opposed the policy of continuing the effort to restore the Union by force. McClellan was their candidate. Whatever may have been his individual opinions, his success would have been a triumph of their principles. They announced in effect as their purpose as an initiation of negotiations for peace a general convention of all the States. It was on this line of policy they evidently intended to rally and unite, if possible, all the conservative elements at the North. This proposition you in your Columbia speech publically, decidedly, and unqualifiedly opposed.

The question now before us is not the constitutionality, expediency, or policy of such a mode of inaugurating negotiations of peace. It is simply the object you might be presumed to have had in view in speaking of it as you did on that occasion. Looking at it in this light, what you said there on this subject to me seems to admit of but one construction, that was that you felt impelled from a sense of duty not only to withhold that encouragement and aid which a favorable response to this proposition from you would give its friends, but not even to withhold that silence on your part which might not have done them any positive damage. Such a declaration from you could have no effect at the North but to weaken and cripple the peace party. How could their leading men urge the people to rally upon their proposed policy with any hopeful prospect of success in opposition to the potent argument of their adversaries that it would be utterly useless because the President of the Confederate States had declared in advance that he would not entertain such a proposition as they

proposed to offer? Had you desired or preferred the election of McClellan would it not have been the clear and plain dictate of reason not to have said anything upon the subject even if you entertained the sentiments which you expressed? Would it not have been time enough to speak when the offer was made? It so seems to me. Had he been elected and the proposition made the control of the question would have then been in your hands. You could then have alluded to it or rejected it as you thought proper. The only rational conclusion I could draw from this rejection of the proposition in advance was that you really intended and desired to accomplish by it what seemed to be its natural and legitimate results. But this was not all. Not only was the proposition, on which the peace and States' rights party at the North had planted themselves, thus rejected by you in advance, but the rejection, you will allow me most respectfully to say, was accompanied by words that must, to say the least of them, have grated very harshly on the feelings of all those who advocated it and favored it as a means of terminating the war. The tone and substance of your speech then upon the subject of peace were, in short, that there was no prospect of peace but by the sword; that a peace party at the North could only be made by a success of our arms over theirs; "that the only way to make spaniels civil was to whip them." The natural and legitimate tendency of such language, it seemed to me, was not only to dampen the ardor of the peace men there, but even to excite and arouse in them bitterness of feelings against us and our cause. Who would be willing in his advocacy [of] peace upon the principles announced at Chicago to submit himself to the taunts of the war champions that he had been whipped into his conciliatory mood, and in the estimation of our Chief Magistrate he was then no better than a spaniel, and a whipped spaniel at that, it being, as I consider it, the natural tendency of your language on this subject to strengthen the opponents of peace instead of its friends there. I could form no other conclusion but that it was intended to produce that effect. I could not suppose that such words on such an occasion escaped you unintentionally or unwittingly.

Taking, therefore, all these things into consideration—your whole course in the case of Cable and this speech at Columbia—you have some of the reasons springing from some of your acts that induced me to "think" that you did belong to that class among us who, for the reasons stated in my letter to Senator Semmes, preferred Lincoln's election to McClellan's. I could say a great deal more, but it is unnecessary.

What I have said has been most frankly said, though most painfully said. For I assure you that the conviction on my mind that you did not favor the policy of encouraging and bringing into power at the North, if possible, a party on the States' rights and States' sovereignty line has caused me deep regret and pain. The belief that you, like many others alluded to, did prefer Lincoln's election to that of McClellan, caused me like regret and pain. If this opinion on my part is not correct as to yourself, I deeply regret it, not only on my own and your account personally, in view of a proper sense of justice to both, but much more from the firm belief that a like opinion and conviction, North and South, has done great injury to what I deem the best interests of our country.

I cannot think, however, that the publication of my opinion as to your preference between the Northern candidates will add anything

to, or modify in the least, the impression on the minds of those men at the North to whom you alluded, which was produced by the reading of your Columbia speech itself.

The publication of the letter in which this conclusion of mine was expressed was a source of regret to me. I felt constrained to publish it, though not written or intended at all for the public, in vindication of myself. I was subjected to so many erroneous criticisms as well as unjust attacks as to my motives and object in my difference from you on the subject of a convention of the States and our true line of policy in regard to it, that I felt it to be a duty no less to myself than to the public that the reasons for the views entertained by me should be made known. This was my sole object. I had not the slightest intention to attribute to you any sentiment in the matter reviewed, which from the facts stated, to say nothing of others, I did not feel fully authorized and even forced, though reluctantly, to believe that you entertained.

Very respectfully,

ALEXANDER H. STEPHENS.

CIRCULAR No. 37.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., December 14, 1864.

I. The attention of commandants of conscripts is called to the circular letter to them of the 5th of September ultimo requiring monthly returns of the enrolling department to be forwarded to the Bureau of Conscription by the 15th of the following month. To facilitate the prompt rendition of these returns the commandant of conscripts will at once adopt and furnish the enrolling officers under him with a simple form of report from which the regular monthly return can be conveniently consolidated, and he will certify on each return that he has carefully examined and compared it with the enrolling officers' reports. The enrolling officers must be required to furnish their reports to the commandant in time to enable him to comply with the requirements of said circular letter. When from interruptions of the mails or other unavoidable cause some of the subordinate reports may be delayed beyond the required time the commandant will nevertheless forward his return accompanied by a letter of explanation. The subordinate reports not included in this return will be accounted for in the column of total outstanding, &c., for the following month, which return will be accompanied by an abstract of the operations not embraced in the previous report. In the letter accompanying the monthly returns the commandant will state whether or not the exemption of State officers has been granted agreeably to paragraph XI, of General Orders, No. 26, Adjutant and Inspector General's Office, current series, and whether certificates have been in all cases received from the Governor and filed in his office.

II. Where railroads have their termini in different States the commandants in those States should compare their list of exemptions at least once in each month to guard against abuses of the law.

By order of the Secretary of War:

C. B. DUFFIELD,
Assistant Adjutant-General.

BUREAU OF SUBSISTENCE,
Richmond, December 14, 1864.

Hon. JAMES A. SEDDON:

In reply to the request of the President to be informed as to the state of the rations, I have to say that on the 5th of this month I sent you in letter of that date statement of rations on hand as follows:

	Pounds.
At Richmond, say	100,000
En route, say	200,000
At the islands	2,500,000
Expected at Nassau from Halifax	300,000
Total	3,100,000
Of which say, beef	1,000,000
Pork and bacon	2,100,000

This, at three rations to a pound, will be 6,300,000 rations, and of beef, one pound to ration, 1,000,000 rations; total, 7,300,000 rations, or seventy-three days' rations for 100,000 men, without estimating for losses in introducing same by blockade. These supplies to be devoted to subsistence of troops stationed in North Carolina and Virginia.

You will observe that the amount stated as at Richmond [and] en route is 300,000 pounds, or nine days' rations for 100,000 men, which number we are feeding.

From the 5th to the 14th of December is nine days, and our calculations have proved, unfortunately, too accurate.

Very respectfully, your obedient servant,

FRANK G. RUFFIN,
Lieutenant-Colonel and Commissary of Subsistence.

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, Va., December 15, 1864.

Hon. F. S. LYON,
Chairman Committee on Ways and Means:

SIR: The near approach of the end of the quarter admonishes me strongly of the condition to which the Treasury will then be reduced. By reference to page 6 of the report I had the honor of submitting to Congress, it will be seen that the expenditures of the current quarter will absorb all that remains of the resources in ready money. Nothing will remain at the end of the year but the certificates of indebtedness and the non-taxable bonds. For the first, the demand is extremely limited, and the amount to be realized from this source need hardly be taken into account. For the bonds, the demand is by no means equal to the sum allowed in my estimate of resources of the year. I beg to refer you to page 11 of the report, by which it will be seen that I rely upon the sale of bonds for $409,000,000.

From the 1st of January, 1865, to the 30th of June, the demands upon the Treasury, upon the most moderate estimate, will be as follows, viz:

Arrear of debt	$114,000,000
Redemption of notes as proposed (one-half)	30,000,000
Expenditures, six months	300,000,000
Total	444,000,000

To meet these demands, I rely upon—

Receipt of the tax in kind	$145,000,000
Half the money tax proposed ($215,000,000)	107,500,000
Half the sale of bonds estimated for the year ($409,000,000)	204,500,000
Total	457,000,000

I beg the committee to take notice that on the 1st day of January the Treasury will be entirely empty; and that there will be nothing after that day to satisfy the requisitions but the funds to arise from the sale of bonds.

Assuming that the recommendations I have ventured to submit in relation to the money tax (which is clearly indispensable) shall be adopted, the collection from that source will not begin to come in before the month of June; but I rely with confidence upon the ability to anticipate the collections to the extent of $107,000,000 by temporary loans.

There is obviously some risk of embarrassment in depending upon this expedient, but it is all that can be done apparently under existing circumstances, and I would respectfully and earnestly impress upon the committee the importance of acting with promptitude, and thereby inspiring confidence in the adequacy of our future resources.

That a money tax is indispensable is plain; that less than the sum mentioned in the report will be insufficient seems equally clear, and I venture with great deference to suggest that the plan of taxation proposed will raise the requisite amount, and is strongly recommended by the consideration that it makes the smallest possible departure from the existing system.

With renewed thanks to the committee for the patient attention they have accorded to the communications I have been impelled by a sense of duty to address them,

I have the honor to remain, your most obedient servant,

G. A. TRENHOLM,
Secretary of the Treasury.

SPECIAL ORDERS, No. 297. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, December 15, 1864.*

* * * * * * *

XXXV. To facilitate missionary operations in the Army, post quartermasters and commissaries are allowed to receive from any religious denomination such amount of forage and subsistence as may be offered by the denomination, and to receipt for the same, to be returned in kind in rations to be issued in the field to properly accredited missionaries, under such regulations as will hereafter be prescribed by each department.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., December 15, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In confirmation of a statement I made to you this morning I have the honor to submit the inclosed abstract from the monthly reports of the commandant of conscripts for the State of Virginia.

Very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Inclosure.]

Abstract from the monthly reports of the commandant of conscripts for the State of Virginia.

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., December 15, 1864.

Deserters and absentees without leave arrested and returned to the Army in the State of Virginia: May, 287; June, 350; July, 344; August, 629; September, 358; October, 266.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 16, 1864.

The PRESIDENT:

I have the honor to acknowledge the receipt of the following extract of a resolution of the House of Representatives, adopted on the 23d ultimo, being so much as relates to the War Department, viz:

Resolved, That the President be requested to cause to be communicated to this House as far as is practicable * * * also the number of civil and military officers on duty in the War Department in the city of Richmond, and at the hospitals and camps in its immediate vicinity; their rank, ages, and from what State they entered the service or were appointed; the number of bureaus there are now in the War Department in Richmond, the particular acts of Congress under which they were created, and the rank and number of officers composing them, their general power and duties as authorized by law; distinguishing disabled and detailed officers from privates and citizens, and the number employed in each bureau.

The annexed tabular statements furnish most of the information desired by the House of Representatives.* In addition it is proper, in order to a full response, to give a general statement of the organization of this Department:

I. The bureaus of the War Department established by law are:

First. The offices of the heads of the general staff of the Army, viz:

1. The Adjutant and Inspector General's Department.
2. The Quartermaster-General's Department.
3. The Subsistence Department.
4. The Medical Department. These are organized respectively under the second, third, fourth, and fifth sections of the act "For the establishment and organization of a general staff of the Army of the Confederate States," approved February 26, 1861.

Second. The offices of the chiefs of special service, viz:

1. The Chief of Ordnance. The Bureau of Ordnance is organized under the forty-fourth article of the Regulations of the Army. It has

* Statements not found.

never been organized by law, though it has been repeatedly referred to in legislation as existing. The act of the 5th of April, 1832, of the Congress of the United States has not been adopted by the Congress of the Confederate States. The officers on ordnance duty, as well as those connected with the Bureau, as those serving with troops, are commissioned in the artillery.

2. The Chief of Engineers. The Engineer Corps is authorized by the second section of the act approved March 6, 1861, "For the establishment and organization of the Army of the Confederate States of America."

3. The Chief of the Niter and Mining Bureau. This Bureau was established under the act "To establish a Niter and Mining Bureau," approved June 9, 1864. Chapter XXX.

4. The Chief of the Signal Corps. This corps was organized under the act "To organize a Signal Corps," approved April 19, 1862, amended by the act approved September 27, entitled "An act to increase the Signal Corps."

Third. The civil offices of the Department.

1. The Bureau of Indian Affairs, established by the act "To establish the Bureau of Indian Affairs," approved March 15, 1861. It consists of a "Commissioner of Indian Affairs" and one clerk. The clerkship is vacant.

2. The War Office is the immediate office of the Secretary of War and the Assistant Secretary of War. It is organized under the act approved March 7, 1861, "To create the clerical force of the several Executive Departments," &c. The chief office under the Secretary of War and the Assistant Secretary is the "Chief of the Bureau of War." His office is created by the fourth clause of the first section of the act last cited.

II. In addition to the foregoing, the exigencies of the public service have occasioned the establishment of certain additional offices in connection with the War Department, which are not authorized as independent bureaus by any act of Congress, the duties of which are discharged by officers detailed for that purpose. Of these the most important is:

First. The Bureau of Conscription. After the passage of the act of the 16th of April, 1861, known as the first conscript law, the attempt was made to deal with the questions arising under it directly in the War Office. The experience of several months demonstrated the necessity of relieving the War Office of the details of this business, which, under the successive amendments to the original act, rapidly increased to a great volume. These could be best dealt with by an officer whose time and attention should be given especially to them, under the direction of the Secretary of War. A general officer with a competent number of assistants was assigned by orders to this duty, and was announced in General Orders, No. 112, December 30, 1862, a copy of which accompanies this report.*

Second. The office in charge of procuring foreign supplies for the Army. As the use and export of cotton for purchasing supplies abroad enlarged, it became necessary to assign an officer to duty pertaining to this subject. This mode of supply was first used in connection with the Ordnance Bureau. It was soon found that we should need supplies also for the Quartermaster's, Medical, and Subsistence Departments, to provide which vessels had to be procured and cotton

*See Vol. II, this series, p. 266.

exported. The officer of the Ordnance Bureau, who had acquired experience there in this duty, was put in general charge of the business and the operations enlarged. They were still further increased under the act of the 6th of February, 1864, "To impose regulations on the foreign commerce of the Confederate States, to provide for the public defense," and the regulations made by the President in pursuance thereof. These devolved on this department the purchase, compression, and repairs of all cotton for export; its transportation and shipment, and the receipt and disposition of the foreign supplies.

Third. The army intelligence office. After the great battles of the summer of 1862 numerous inquiries, personal and by letter, were addressed to the Department by the relatives and friends of our soldiers to learn their fate. To afford relief to such natural anxieties, a chaplain on duty in this city was authorized to establish an office where information respecting the individual casualties of battle should be collected promptly, at what hospitals wounded men were, and such general information as would enable friends to learn their safety, or the extent of their injuries, and where, if wounded and alive, they could be found. This office, which has been a great gratification to our people, is conducted by a chaplain, one clerk, and disabled soldiers detailed for that purpose.

Fourth. The office of the agent for the exchange of prisoners. The cartel agreed upon by Maj. Gen. D. H. Hill for the Confederate States and Maj. Gen. John A. Dix for the United States on the 22d of July, 1862, provided by the eighth article that, "for the purpose of carrying into effect the foregoing articles of agreement, each party will appoint two agents, to be called agents for the exchange of prisoners of war, whose duty it will be to communicate with each other by correspondence or otherwise, to prepare the lists of prisoners, to attend to the delivery of prisoners at the places agreed on, and to carry out promptly, effectually, and in good faith all the details and provisions of the said articles of agreement."

Under this agreement a principal agent, to represent this Government and to have general charge, under this Department, of the business arising under the cartel and in connection with the subject of prisoners of war, was appointed.

Tabular returns of the civil and military persons on duty in the camp and hospitals in the vicinity of the city of Richmond also accompany this report.* It was considered that the House of Representatives did not design to embrace in their resolution any of the camps of the troops now in the vicinity of this city. The delay in forwarding this report has been occasioned by the time required to procure the accompanying returns from the numerous and extensive hospitals in and about the city of Richmond.

Respectfully,

JAMES A. SEDDON,
Secretary of War.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, December 16, 1864.

His Excellency JEFFERSON DAVIS:

I inclose you a copy of a communication* informing me that the House of Commons of the General Assembly of this State has passed

*Not found.

a resolution requesting me to correspond with you, protesting against the cruel and inhuman manner in which slaves conscribed from our citizens are now treated, and request that the evil be immediately remedied. Rumors and statements are constantly arriving here that the slaves conscribed and assigned to labor on the works at and near Wilmington are treated with great cruelty and inhumanity by being overworked, almost starved, not half clad, and lodged without shelter, by reason of which they are suffering great mortality. Not only the interest of their masters and the country, but also humanity forbids the continuance of such a state of things. And I cannot doubt that as soon as your attention is called to it you will take the necessary steps to remedy the evil complained of.

Very respectfully, your obedient servant,

Z. B. VANCE.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., December 18, 1864.

The PRESIDENT:

DEAR SIR: A very imperative necessity for a few days' attention to my private interests has induced me to ask a leave of absence, which Mr. Seddon has kindly granted. Your condition of health has deterred me from seeking an interview, which I desired for the purpose of asking your attention to a concerted effort now on foot, not to modify, but to abolish the whole system of conscription as it now exists, and, of course, to effect my removal from its control by operation of law. As to the latter I feel but little concern, for I can rely on your giving me such service as will be honorable to myself and to the extent of my ability, and beneficial to the country. You know the full extent of the little I am able to do, and I am quite sure of your absolute confidence in my zeal. I do feel the most anxious solicitude in regard to the proposed changes in their bearing on the public service. I have seen a programme of them, which I was told had high military sanction. The system is one of mere military conscription, not adapted to the condition of the country, repulsive to public sentiment, inefficacious and certainly weakening, if not disastrous to the public defense. It will be resisted by States, communities, and individuals to an extent which will render it inoperative. But even if it be not thus resisted, it will fail because of its total want of adaptation to the duties prescribed for it. In legal administration military organizations and action never have the attributes either of celerity or efficiency. Executive strength is always best, based on the exercise of civil rule. Military power may hold laws in subjection; it cannot administer them, at least not under our system of civil polity. The present system of conscription, if allowed to be thoroughly organized and supplied with proper agencies, is not only the most efficient and active, but the strongest which can be instituted for our purposes. It is active and energetic in principle, simple and orderly in structure, uniform and rapid in operation. Besides this, it contains the great element, now so necessary, of giving the administration of a civil law directly into the hands of executive agencies neither purely military nor judicial. It bears in its construction more real pervading executive power and responsibility than is held by the control of the armies of the Confederacy. You may not

think this feature desirable. It is at this time unquestionably necessary.

I trust the present system will be adhered to and fully organized for all duties charged upon it. I am willing to be an agent in its administration, but if you think it can be improved in operation by the selection of others, I am sure you will neither do me nor the country the wrong of hesitating to find other service for me.

My desire is to serve the country under your dictation. To that I have devoted myself. I believe I can render good service in the line you have intrusted to me. I am sure the system in which I have been working is the best for the purposes of the country, and do earnestly hope it will be maintained, with only such modifications as will make it more rigorous in execution without affecting the principle on which it is based.

With high and cordial esteem, your friend and obedient servant,

JNO. S. PRESTON.

BUREAU OF CONSCRIPTION, WAR DEPARTMENT,
Richmond, Va., December 18, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: I am aware that there is a project on foot, under high military sanction, to abolish the existing system of conscription, and substitute for it a military organization, to be regulated by purely rigid military rules, and by the operation of law to remove me from the control delegated to me by you. The latter may be no loss to the service, but the institution of such a system will be fatal to it. As far as I have been able to ascertain the features of the scheme, it is a cumbrous, confused mass of indigested regulations, the offspring of utter ignorance of the nature of the duties to be performed, of the condition of the country, and the wants of the public service in the department of the public defense—a mere military experiment on the vitals of the country. If tried it will fail; but the fear is that the experiment in failing will destroy the subject. It was a maxim of certain Greek philosophy that wisdom is the reaction from folly. Our misfortune is that we have neither time nor strength to practice folly, in the hope that wisdom will grow out of it. Whatever ignorant and discontented or malignant persons may say, we know that the present system has been efficacious; we know that with proper agencies it can with great certainty and celerity bring all the elements of strength in the matter confided to it to bear upon the public defense. We know that before it was rudely disturbed by the pestilent interference of ignorant and presumptuous persons in high position, it had commended itself to the approbation of the people, the States, the Congress, yourself, and the President, and that all admitted if furnished with proper officers it would meet all the demands to the full extent of the capabilities of the country. Why change it, then, upon the presumption that it is not fitted to a more stringent exigency now existing? And above all, why change it for a scheme which has already failed, and which has done as much to chill the patriotic ardor of the people as any one error or misfortune which has befallen us, and which has no one principle, element, or instrument adapted to the duties growing out of the law.

I am sure that with you I need not deprecate official dignity or plead my entire freedom from official interest when I earnestly call on you to look narrowly and fully into this matter before you give it your sanction. If this scheme, which I have heard designated as General Bragg's or General Kemper's, is adopted it will be met by legislative resistance in the States before it is in operation sixty days, and Congress will be forced to repeal it; but it may be too late when States have nullified a law of the Confederacy. To this grave issue it will surely lead. The integrity of the Confederacy is necessary to the achievement of our independence. Nothing will tend more rapidly to disintegrate the Confederacy than the adoption of these petulant, indigested, and revolting schemes of military conscription. I pray you do not think my terms too strong or my manner too familiar. We are in a very grave condition. I have some experience in these matters, and it seems the proper duty of all earnest men to express their strong convictions.

With high and cordial esteem, your obedient servant,

JNO. S. PRESTON,

Brigadier-General and Superintendent.

RICHMOND, VA., *December 20, 1864.*

THE HOUSE OF REPRESENTATIVES:*

I herewith transmit the reports made by the heads of the Treasury and War Departments,† in response to your resolution of the 6th instant, making various inquiries relative to the subject embraced in the act of February 6, 1864, entitled "A bill to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense."

The importance of this subject induces me to present, at some length, my views upon the policy of the law, and upon its effects as developed by experience.

The first section of the law (which was passed at the fourth session of the First Congress and was the expression of its matured judgment) prohibits the exportation of the principal products of the Confederate States, except under uniform regulations, and the reason for this prohibition is expressed in the preamble to be this: "That the condition of the contest demands that the Confederate States should call into requisition whatever resources of men and money they have for the support of their cause."

The fifth section of the law indicated that the purpose of Congress in granting power to allow or refuse permission to export the produce of our country was to enforce a return, in whole or in part, of the value of the produce exported "in military or other supplies for the public service."

But a full understanding of the policy of your predecessors can be attained only by taking into consideration another act passed on the same day, and entitled "An act to prohibit the importation of luxuries or of articles not necessaries or of common use." This last-mentioned act actually prohibited during the pending war the importation of any articles not necessary for the defense and subsistence of the country; and among those excluded from importation

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*A similar message was communicated to the Senate under date of December 17, 1864, in response to its resolution of December 5, 1864, for which see p. 897.

†For Seddon's report see December 10, 1864, p. 928, excepting the clause referred to in footnote (*a*), p. 929.

were wines, spirits, jewelry, cigars, and all the finer fabrics of cotton, flax, wool, or silk, as well as all other merchandise serving only for the indulgence of luxurious habits.

In a word, the two acts were an exercise of the power to regulate commerce so as to make it subservient to the success of our struggle, by prohibiting the importation or exportation of merchandise or produce for any other purpose than national defense and necessary subsistence, until these vital objects should be placed beyond the reach of danger. The two laws form one common system, and they should be so regarded in considering the propriety of the repeal or modification of either.

When signing my approval of these acts I considered them as measures eminently wise and proper, and as well adapted to remedy existing evils. Complaints were rife through our country that its foreign commerce was almost exclusively in the hands of aliens; that our cotton, tobacco, and naval stores were being drained from the States, and that we were receiving in return cargoes of liquors, wines, and articles of luxury; that the imported goods, being held in few hands and in limited quantities, were sold at prices so exorbitant that the blockade-runners, after purchasing fresh cargoes of cotton, still retained large sums of Confederate money, which they invested in gold for exportation and in foreign exchange, and that the whole course of the trade had a direct tendency to impoverish our country, demoralize our people, depreciate our currency, and enfeeble our defense. Congress believed these complaints well founded, and in that belief I fully concurred. None doubted that a remedy was desirable, and your present inquiries seek information in relation to the efficiency of the remedy provided by the legislation then devised, as developed by actual experience.

My conviction is decided that the effect of the legislation has been salutary; that the evils existing prior to its adoption have been materially diminished, and that the repeal of the legislation or any modification impairing its efficiency would be calamitous. This opinion is shared by every Executive Department that has been intrusted with the execution of these laws and regulations, and thus enabled to form a judgment based on observation and experience.

The propriety and justice of a claim on the part of the Government that a share of all the vessels engaged in the blockade trade should be held subject to its use for the benefit of the whole people was so obvious that even before the legislation of Congress few owners refused to place at its disposal one-third of the tonnage, both outward and inward, for the importation of supplies and the exportation of the produce necessary to pay for them. On the passage of the laws it was deemed proper to increase the demand of the Government to one-half. This decision was based not only on the consideration that the Government was burdened with the entire expense of defending the ports of entry, but on the further reasons that the enormous gains of the commerce were monopolized by foreigners, free to engage in commerce at their pleasure while our citizens were engrossed in the sacred duty of defending their homes and liberties, and therefore unable to compete for the trade. It was foreseen that this increase would be resisted, and in a message on the subject, addressed by me to the House of Representatives on the 10th of June last, it is stated that—

For some weeks after the adoption of these regulations strenuous efforts were made by parties interested in the business to induce a relaxation of the regulations. Many of the vessels remained unemployed on the allegation of the owners

that the terms imposed by the regulations were so onerous as to render impossible the continuance of the business. The regulations remained unchanged, for I was satisfied from an examination of the subject that this complaint was unfounded and that the withdrawal of the vessels was an experiment, by a combination among their owners, on the firmness of the Government. The result proved the correctness of this view, for after various attempts to obtain increased advantages the vessels resumed their voyages. Their number has been largely increased. The ability to export produce and import supplies on Government account has been developed to a greater extent than had been anticipated, and the credit of the Government has been so improved in foreign markets that the quotations for its loan have rapidly advanced.

In the same message it was also stated that—

Among the efforts made to induce a change of the regulations was a warning given to officers of the Government that the owners of vessels could make better bargains with the Governors of States than with the Confederate Government, and that if the regulations were not relaxed in their favor they would transfer their vessels to the Executives of the several States, and thus withdraw them from the operation of the regulations.

Reverting now to the precise inquiries contained in your resolution, I answer—

First. That no restriction whatever has been placed on the exercise of the right of any Confederate State to export on its own account any of the articles enumerated in the act entitled "An act to impose regulations," &c., approved 6th of February, 1864.

Each State not only exports whatever it pleases, but the obligation imposed on private individuals to bring back into the country necessary supplies equal in value to one-half of the produce exported is not extended to the States. They are in these respects on a footing of absolute equality with the Confederate Government.

I am aware that complaints have been made of the effect of these regulations by the Governors of some of the States, but their objections are, in my judgment, without foundation.

It is not denied by any of them that when a State purchases a vessel it is left under the exclusive control of the State authorities, and that the Confederate Government claims no share of the outward or inward tonnage. It is also admitted that when the States purchase or charter any part of a vessel, not exceeding one-half, the Confederate States Government does not interfere with their enjoyment of the portion so purchased or chartered, and confines itself to exacting from the private owner the use of that half not conveyed to the State; but the complaint is that the Confederate Government will not further consent to yield, for the benefit of a single State, any part of that moiety of the tonnage of each vessel which it has secured under the regulations for the common use and benefit of all the States of which it is agent.

By the regulations, as now existing, half the tonnage of all the vessels engaged in the trade has been conveyed to the use of the Confederacy. Why should a single State be allowed to take for its separate use from the Confederacy any part of this half? Is it not enough that the remaining half is left open for purchase or charter by the State?

It is plain that a State and the owner of a vessel can have no motive for contracting in such manner as to diminish the tonnage claimed by the Confederacy, unless for a profit that is to be shared by both. Any concession, therefore, made on this point is in effect the loss of an interest which is the common property of all the States for the joint gain of a single State and of a private capitalist.

Again, the army in the field is the army of the Confederacy, which is charged with the duty of supplying it with clothing, subsistence, and munitions of war. The performance of this duty demands the most strenuous exertions and the command of all the resources that can be reached. Any diminution of our command of those resources by a modification of the existing legislation might lead to disastrous consequences. Under our present arrangements we are barely able to supply to our brave defenders a moderate share of those comforts which are indispensable to their efficiency. As long as privations are endured by all alike, there is a noble and patriotic emulation in the display of cheerful fortitude in enduring them. But if the common supply now distributed among all is diminished for the purpose of enabling any one State to add to the supplies furnished her own troops, the effect will be pernicious to an extent that can scarcely be appreciated in advance. I leave it to others to imagine the state of feeling which would ensue if the soldiers of the sea-board States were to be found amply supplied with all necessaries and comforts, standing side by side with the troops of interior States, who would be deprived of a part of what they now receive in consequence of a diminution of our present means of providing for all alike. If to this it should be answered that the interior States could enjoy the same advantages as the sea-board States by sending agents to the ports to represent them, thus placing all on an equal footing, the reply is obvious. The result would then be to bring all the States back to the same condition in which they now are; that is to say, each possessing its fair share of the advantages derived from the tonnage used by the Confederate Government.

It appears to me that any change in the present regulations so as to affect the rights of the Confederate Government must necessarily be either useless or mischievous—useless, if no advantage is to be gained by any one State over the others; mischievous in the extreme, if such an advantage is to be the effect of the change.

It has been suggested that there are many articles required by the people of the different States which can only be obtained through the aid of their governments, and that the efforts of the Confederate Government are confined exclusively to the supply of the needs of the Army. This is true; but one-half of all the tonnage of private owners remains open to employment by the States for the purpose suggested, though, perhaps, at somewhat greater cost than would be charged if they were permitted to use the portion reserved for the Confederacy. But I repeat that there is no justice apparent in the demand that all the States should sacrifice a common right for the profit of a single State, nor in diminishing the necessary comforts of the soldier for the benefit of those who remain at home. It is also competent for each State to purchase vessels for its own use or to purchase shares in common with one or more other States for the introduction of supplies necessary for the people without encroaching on the means used by the Confederacy for supplying the Army.

Second. Upon the second question, whether the regulations have caused any diminution in the number of vessels engaged in foreign commerce, the report of the Secretary of the Treasury gives such information as satisfactorily establishes the reverse to be the case.

In addition to the statements made by him, derived from official returns, the Secretary of War reports that many new steamers are understood to be on the way to engage in the trade, notwithstanding

the impression which prevails that the stringency of the blockade is constantly increasing.

The number of vessels which arrived at two ports of the Confederacy between the 1st of November and 6th of December was forty-three, averaging more than one per day, and indicating no check in the trade. A further and conclusive proof that the profits of this commerce under present regulations are sufficiently tempting to secure its increase, is afforded by the fact that the shares of the companies engaged in it have greatly advanced in value. The shares of one company, originally of $1,000 each, were selling in July last for $20,000 each, and now command $30,000. Those of another company have increased in the same period from $2,500 to $6,000; and all exhibit a large advance.

Third. Your third inquiry seeks information whether the legislation and regulations have been beneficial or otherwise in their effect on the success of our arms and the supply of means necessary to the public defense.

My opinion has already been indicated on this point, and the reports of the Secretaries are decided in the expression of their own convictions of the wisdom of the laws, and the beneficial effects produced by them, in connection with the regulations established for giving them effect.

These laws and regulations have enabled the Government not only to provide supplies to a much greater extent than formerly, and to furnish the means for meeting the installments on its foreign loan, but to put an end to a wasteful and ruinous contract system, by which supplies were obtained before Congress determined to exercise control over the imports and exports.

Instead of being compelled to give contractors a large profit on the cost of their supplies, and to make payment in cotton in our ports at 6 pence per pound, we now purchase supplies abroad by our agents at cost in the foreign market, and pay there in cotton, which sells at a net price of 24 pence per pound. When all the elements of calculation are taken into consideration, it is by no means an exaggeration to say that 100 bales of cotton exported by the Government will purchase abroad the same amount and value of supplies that 600 bales would purchase delivered to contractors in the Confederacy. A reference to the report of the Secretary of the Treasury shows that of 11,796 bales of cotton shipped since 1st of July last, but 1,272 were lost; not quite 11 per cent. If this be taken as a fair average, and it is believed to be so, out of 600 bales of cotton exported, 534 would arrive abroad and yield, at £40 per bale, £21,360, while the same 600 bales delivered on payment at a home port, at 6 pence per pound, would yield less than £6,000.

There are other advantages derived from buying abroad, rather than contracting with blockade-runners, of no small magnitude, but the foregoing statement will show the enormous profits that were made by them when the Government was forced to contract instead of purchasing for itself, and will suggest a motive for the strenuous efforts they have not ceased to make to get rid of the regulations and procure a change in the policy of the Government. It is to the law and regulations that the Government owes its ability to command freight room, and then buy and sell for itself instead of being forced to make contracts so extravagant as those above described. It requires little sagacity to perceive that with temptation so great the owners of vessels would spare no pains to obtain contracts from the

several States, if allowed to do so by law, with the view of again withdrawing from our use as far as possible the tonnage of their vessels, and thus compelling a return to the ruinous contract system.

The reports of the Secretaries will fully inform you of the quantity and nature of the supplies obtained by the Government under the present system, and their importance to the national defense will be perceived at a glance.

Fourth. To the fourth inquiry, whether experience has suggested the necessity of the repeal of said act, or any modification or amendment of its provisions, the foregoing remarks would seem to furnish a sufficient answer. But I conclude, by renewing the expression of my conviction that the result of any legislation checking or diminishing the control now exercised by the Government over our foreign commerce would be injurious to the public interest and would insure the renewal in aggravated form of the evils which it was the purpose of your predecessors to remedy by the laws now in force.

JEFFERSON DAVIS.

[Inclosure No. 1.] *

[Inclosure No. 2.]

CONFEDERATE STATES OF AMERICA, TREASURY DEPT.,
Richmond, December 12, 1864.

The PRESIDENT:

SIR: I have the honor to submit the following reply to the inquiries contained in the resolutions of the House of Representatives of the 5th [6th] instant in relation to the foreign trade:

First. "Whether any and what restrictions have been imposed upon the exercise of the right of the Confederate States, or any of them, to export on their own account any of the articles enumerated in the act entitled 'An act to impose regulations upon the foreign commerce of the Confederate States to provide for the public defense,' approved 6th of February, 1864."

No restrictions whatever have been imposed upon the exercise of this right by the States. The tenth article of the regulations, adopted in pursuance of the act of 6th of February, provides:

> That nothing in these regulations shall be construed to conflict with the proviso in the fifth section, "That nothing in this act shall be construed to prohibit the Confederate States, or any of them, from exporting any of the articles herein enumerated on their own account."

By the first and second articles of the regulations it is provided that vessels belonging to private parties shall carry one-half the cargo, both outward and inward, on account of the Confederate States.

It has sometimes been supposed that this provision operates as a restriction upon the freedom of action of the States; that if a State acquire, by purchase or charter, the use of one-fourth of a steamer the Confederate States should relinquish an equal proportion of the moiety claimed under the regulations and reduce the share reserved for its use to one-fourth.

This Department does not concur in that opinion. It is held that a vessel engaging in this trade charges one moiety to the Government and has no power while she continues therein, by a sale or another charter, to deprive the Government of the use of that moiety. The exercise of such a power would be incompatible with the design of the act of February 6 and in direct violation of the regulations made in

* See Seddon to the President, December 10, p. 928.

pursuance thereof. It would be impossible for the Government to secure the use of any portion of a vessel if the owner was permitted thus to alienate it at will. Nor would it be consistent with the equality to be observed among the States in matters of common interest that this should be conceded. The moiety reserved by the Confederate States is for the use and benefit of all the States without distinction. The cotton exported is common property. When sold the product is nearly all clear gain. The supplies brought back in return add little or nothing to the expenditures of the Government and are distributed among the troops of all the States indiscriminately.

But when any part of this moiety is transferred to one State it operates as a relinquishment of the share of each of the others for the benefit of that one. The part thus acquired is then used to supply the troops of that State only, and as these supplies are, nevertheless, paid for by the Confederate States it follows that, besides making this valuable concession, those from whom it is obtained are drawn thereby into an unnecessary expenditure. In other words, in the one case the troops of all the States participate in the benefit and without cost to any; in the other the benefits are confined to the troops of one State, and all the others contribute to the cost and without any reduction being made for the profits on the outward cargo.

Second. "Whether the regulations made under the first section of said act have caused any diminution in the number of vessels engaged in foreign commerce."

The regulations were adopted on the 7th of March, and the largest number of arrivals occurred in the months of May and June ensuing, during which period forty-three steamers entered the ports of Wilmington and Charleston. The prevalence of yellow fever both in the islands and in our own ports caused a serious interruption to the trade during the summer months; but the abatement of the epidemic has been followed by the immediate return of activity, and from the 1st of November to the 6th of December there have been forty-three arrivals at the ports above named.

It would appear, therefore, that no discouragement has been given to the trade by the regulations.

This conclusion is supported by other evidence. The freight of 5 pence per pound in gold paid by the Government is nearly equal to $3 per pound. So that the freight paid for carrying out 500 bales of cotton for the Government will purchase for the vessel 1,000 bales at the market price, and the great profit realized on these terms is exhibited in the enormous price commanded in the market by shares in all the blockade stocks.

Third. "Whether the said act of Congress and the regulations made under its authority have been beneficial or otherwise in their effect on the success of our arms, and the supply of means necessary for the public defense; also, whether experience has suggested the necessity of the repeal of said act of 6th of February or any modification or amendment of its provisions."

My impressions are that they have been in the highest degree beneficial. Before the passage of the act vessels were required to devote one-third of their tonnage to the use of the Government, by authority of the War Department. The principle was the same as that of the regulations, and the statistics of the two periods have not been kept separate. The following summary, embracing a period of about twelve months, from the 1st of November, 1863, to the 25th of October, 1864, exhibits the results attained under both. These details are

derived from the report of Col. T. L. Bayne, chief of the Bureau of Foreign Supplies of the War Department.

The leading articles imported are as follows:

Lead	pounds	1,490,000
Saltpeter	do	1,850,000
Meat	do	6,200,000
Coffee	do	408,000
Boots and shoes	pairs	420,000
Blankets	do	292,000
Arms (muskets, rifles, and carbines)		136,832

Since the date above mentioned, viz, the 25th of October, up to the 6th of December, further supplies of importance have been brought in, of which a detailed account is appended, marked A.

When the regulations were first adopted each Department was charged with the duty of managing its own exports and imports, but experience indicated the propriety of consolidating these operations and placing the whole under the control of the Treasury Department. This was accordingly done on the 1st of July, and from that date to the 1st of December the quantity of cotton exported was 11,796 bales. Of this quantity 1,272 bales were lost, and 10,522 bales have arrived safe at foreign ports. At a moderate computation the value in gold is £320,000 sterling, or $1,500,000; a sum capable of purchasing supplies of the value in currency of $45,000,000.

The results attained appear to establish the beneficial character and effect of the act of February 6, and the regulations adopted in pursuance thereof; and I am strongly of the opinion neither "the repeal of the act, nor any modification or amendment of its provisions," has been suggested by experience to be necessary.

G. A. TRENHOLM,
Secretary of the Treasury.

A.—*Cargoes received from abroad, on Government account, from 25th of October to 6th of December, 1864.*

PORT OF WILMINGTON, N. C.

Date.	Name of vessel.	Foreign port.	Articles.	Quantity.	For account of—
1864.					
Oct. 31	Hope *a*	Nassau	Steel ..... cases	15	Navy.
			Do ..... casks	3	Do.
			Lignum vitæ ..... pieces	8	Do.
			Glue ..... cask	1	Do.
			Chemicals ..... cases	10	Do.
			Do ..... casks	8	Do.
			Do ..... kegs	3	Do.
			Do ..... bag	1	Do.
			Quicksilver ..... bottle	1	Do.
			Tools ..... casks	2	Do.
			Hose ..... cases	10	Do.
			Rope ..... coils	64	Do.
			Twine ..... trusses	3	Do.
			Belting ..... cases	2	Do.
			Canvas ..... bales	2	Do.
			Sole leather ..... do	3	Do.
			Zinc, tools, &c ..... cases	22	Do.
			Tools ..... casks	4	Do.
			Saws ..... do	2	Do.
			Saws, &c ..... cases	2	Do.
			Tools, screws, &c ..... do	12	Do.
			Do ..... casks	2	Do.
			Iron ..... bundles	5	Do.
			Oil ..... barrels	20	Do.
			Alcohol ..... do	10	Do.
			Chemicals ..... cases	3	Do.
			Do ..... cask	1	Do.

a Captured.

A.—*Cargoes received from abroad, on Government account, from 25th of October to 6th of December, 1864*—Continued.

PORT OF WILMINGTON, N. C.—Continued.

Date.	Name of vessel.	Foreign port.	Articles.	Quantity.	For account of—
1864.					
Oct. 31	Hope	Nassau	Machinery ..... cases..	15	Ordnance.
			Castings ..... do....	15	Do.
			Grate bars	200	Do.
			Bearers	6	Do.
			Boiler	1	Do.
			Steam chest ..... cask..	1	Do.
			Picks	1	Engineer.
			Blankets ..... bales..	23	Quartermaster.
			Samples ..... case..	1	Do.
			Steel ..... cases..	11	Niter and Mining.
			Bagging ..... bales..	8	John Seixas.
			Twine ..... bale..	1	Do.
31	Little Hattie	do	Saltpeter ..... sacks..	213	Niter and Mining.
31	City of Petersburg	do	.....	.....	(*a*)
31	Beatrice	do	Grate bars	143	Ordnance.
			Hosiery ..... bales..	10	Quartermaster.
			Bunting ..... cases..	3	Navy.
			Belting ..... bale..	1	Do.
			Screws, &c ..... case..	1	Do.
			Mill picks ..... do....	1	Do.
			Wire cloth and files. do....	1	Do.
			Boots ..... cases..	4	Do.
			Provisions ..... barrels..	50	Do.
			Beans ..... do....	105	Do.
			Life-boat	1	Do.
			Bearers	6	Ordnance.
Nov. 8	Talisman	Bermuda	Rifles ..... cases..	222	Do.
6	Armstrong	Nassau	Beef ..... barrels..	399	Navy.
			Do ..... tierces..	70	Do.
			Bagging ..... bales..	10	John Seixas.
			Wire ..... coils..	70	Navy.
			Life-boat	1	Do.
			Vises ..... bundles..	8	Quartermaster.
			Hardware ..... barrels..	23	Do.
			Do ..... cases..	6	Do.
			Do ..... cask..	1	Do.
8	Banshee	do	Rifles ..... cases..	23	Ordnance.
			Life-boat	1	Do.
			Soap ..... boxes..	340	Vessel.
			Provisions ..... barrels..	904	Do.
			Coffee ..... bags..	97	Do.
			Do ..... tierces..	11	Do.
			Coffee ..... barrels..	32	Do.
			Casks	7	Do.
			Shoes ..... cases..	15	Do.
5	A. E. Fry	Bermuda	Bacon ..... boxes..	173	Commissary.
			Beef ..... tierces..	126	Do.
			Crushed sugar ... barrels..	158	Private account.
			Rope ..... coils..	40	Do.
			Stationery ..... cases..	18	Do.
			Sugar ..... barrels..	6	Do.
			Hams ..... cask..	1	Do.
5	Blenheim	Nassau (first trip).	.....	.....	(*b*)
24	Little Hattie	Nassau	Hardware ..... barrels..	15	Quartermaster.
			Do ..... cases..	10	Do.
			Vises ..... bundle..	7	Do.
			Bellows	18	Do.
			Anvils	13	Do.
			Alcohol ..... barrels..	43	Medical.
			Tin plate ..... boxes..	50	Do.
			Stationery ..... cases..	8	Bureau of Conscription.
			Copper ..... casks..	3	Navy.
			Tallow ..... barrels..	4	Do.
			Tools ..... box..	1	Do.
			Varnish ..... demijohn..	1	Do.
21	Old Dominion	Halifax	Pork ..... barrels..	210	Commissary.
29	Emma Henry	Bermuda	Saltpeter ..... sacks..	130	Niter and Mining.
			Shoes ..... cases..	50	
			Packages	58	Navy.
			Do	18	General Whiting.

a No freight on Government account.

b No Government freight.

A.—*Cargoes received from abroad, on Government account, from 25th of October to 6th of December, 1864*—Continued.

PORT OF WILMINGTON, N. C.—Continued.

Date.	Name of vessel.	Foreign port.	Articles.	Quantity.	For account of—
1864.					
Nov. 29	Armstrong	Bermuda	Preserved meat...cases..	1,370	Commissary.
			Gunny cloth.....bales..	10	Seixas.
			Iron ties.....bundles..	200	
			Crockery.....cases..	5	S. Imp'g Co.
30	Vulture	do	Rifles.....do....	15	Ordnance.
			Carbines.....do....	15	Do.
Dec. 1	Ella *a*	Nassau	Bismuth.....case..	1	Medical.
			Pork.....barrels	147	Navy.
			Beef.....tierces..	40	Do.
			Horseshoe nails....pkgs..	30	Niter and Mining.
			Life-boat.....	1	Navy.
			Coffee.....sacks..	225	Ordnance.
			Spool cotton.....case..	1	Do.
			Enfield rifles.....cases..	23	Do.
1	Owl	Bermuda via Nassau.	Shoes.....do....	220	Quartermaster.
			Cloth.....bales..	34	Do.
			Shirts.....do....	60	Do.
			Blankets.....do....	161	Do.
			Flannel.....do....	21	Do.
			Hosiery.....do....	2	Do.
1	Virginia	do	Meat.....boxes..	275	Commissary.
			Bacon.....casks..	76	Do.
			Iron ties.....bundles..	500	
			Bagging.....bales..	30	
2	Wild Rover	do	Thread.....cases..	5	Ordnance.
			Buckles.....cask..	1	Do.
			Buttons.....cases..	9	Do.
			Lead.....packages..	150	Niter and Mining.
			Puncheons.....	2	
			Shoes.....hogshead..	1	
			Bacon.....cases..	117	Commissary.
			Pork.....barrels..	150	Do.
			Bridles.....casks..	7	Ordnance.
			Electro-stalls.....cases..	5	Do.
4	Stag	England via Bermuda.	Cases.....	9	Navy.
			Drums.....	5	Do.
			Cases.....	24	Quartermaster.
			Do.....	17	Do.
			Boots.....cases..	75	Do.
			Woolens.....do....	7	Do.
			Rifles.....do....	30	Ordnance.
			Saltpeter.....sacks..	130	Niter and Mining.
			Pig-iron.....tons..	5	Do.
			Blankets.....bales..	10	Navy.
			Cases.....	27	
4	Hansa	do	Blankets.....bales..	52	Quartermaster.
			Cloth.....do....	3	Do.
			Flannel.....do....	26	Do.
			Boots.....cases..	68	Do.
			Stationery.....do....	7	Do.
			Paper.....bales..	9	Do.
			Boots.....cases..	2	Medical.
			Silk.....do....	7	Do.
			Ammunition paper.do....	26	Ordnance.
			Ammunition.....bales..	9	Do.
2	Caroline	Bermuda	Merchandise.....cases..	2	Navy.
			Sheet-iron.....bundles..	5	Do.
			L copper.....casks..	18	Do.
			Copper bolts....bundles..	4	Do.
			L tin.....casks..	8	Do.
			Pig lead.....do....	7	Do.
			Saltpeter.....do....	8	Do.
			Zinc.....cases..	7	Do.
			Metal.....casks..	6	Do.
			Lead.....rolls..	10	Do.
			Blankets.....bales..	10	Do.
			Iron ties.....bundles..	100	John Seixas

a Beached.

Very respectfully,

THOS. L. BAYNE,
Lieutenant-Colonel.

Cargoes received from abroad, on Government account, from 25th of October, 1864, to date, 7th of December.

PORT OF CHARLESTON.

Date.	Name of vessel.	Foreign port.	Articles.	Quantity.	For account of—
1864.					
Nov. 4	Fox	Nassau	Rasps, cask	1	Niter and Mining.
			Horseshoes, kegs	35	Do.
			Horseshoe nails, do	10	Do.
			Spades, casks	2	Engineer.
			Shoes, cases	75	Quartermaster.
			Beef, tierces	100	Navy.
			Bagging, bales	6	Seixas.
5	Julia	do	Shirts, do	2	Quartermaster.
			Blankets, do	25	Do.
			Cloths, do	11	Do.
			Caps, do	2	Do.
			Thread, case	1	Do.
			Shoes, cases	40	Do.
			Books, box	1	Do.
			Samples, packages	2	Do.
			Adhesive plaster, case	1	Do.
			Sample paper, package	1	Do.
29	Beatrice[a]	do	Beef, barrels	71	
			Pork, do	50	
			Steel shot, cases	24	Navy.
			Iron ties, bundles	200	John Seixas.
			Alcohol, barrels	5	Medical.
			Axes, casks	3	Engineer.
			Do, cases	4	Do.
22	Syren	do	Horseshoe nails, kegs	30	Niter and Mining.
			Bismuth, case	1	Medical.
			Alcohol, barrels	67	Do.
			Tin plate, boxes	60	Do.
			Acid, carboys	5	Navy.
			Do, box	1	Do.
			Copper, casks	3	Do.
			Stationery, cases	7	Bureau of Conscription.
Dec. 1	Laurel[b]	do			
1	Druid	do	Beef, barrels	50	
1	Kate Gregg	do	do, do	130	Navy.
			Pork, do	60	Do.

[a] Destroyed by the enemy. [b] In ballast.

[DECEMBER 20, 1864.—For proclamation of Governor Vance, calling on all the men of North Carolina to hasten to the defense of Wilmington, see Series I, Vol. XLII, Part III, p. 1284.]

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, December 21, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I have the honor of inclosing to you a copy of a resolution of the House of Commons of the General Assembly of the State* requesting me to communicate with the authorities at Richmond with a view to relieving our unfortunate, maimed, and disabled veterans from the cruelties consequent upon rigid enforcement of an order recently issued by the Adjutant and Inspector General, by which all wounded and sick soldiers, who can without serious detriment to their health, are required to report to their respective commands. In doing so you will permit me to express the confident belief that there can be no hesitation in relieving these noble veterans, who bear on their persons

* Inclosure not found.

the permanent marks of their devotion to their country, from those hardships and indignities which are too great to permit me to believe that they could have been intended by said order, but which must necessarily follow the rigid enforcement of all its provisions.

Very respectfully, your obedient servant,

Z. B. VANCE.

DEPARTMENT OF STATE,
Richmond, December 21, 1864.

FRED. A. PORCHER, Esq.,
Charleston, S. C.:

MY DEAR SIR: I have your favor of the 16th instant,* and have read your views with the more interest from the fact that for a year past I have seen that the period was fast approaching when we should be compelled to use every resource at our command for the defense of our liberties. Without entering into any lengthened discussion of the considerations which should guide our policy on this point, it appears to me enough to say that the negroes will certainly be made to fight against us if not armed for our defense. The drain of that source of our strength is steady, fatal, and irreversible by any other expedient than that of arming the slaves as an auxiliary force. I further agree with you that if they are to fight for our freedom they are entitled to their own. Public opinion is fast ripening on the subject, and ere the close of the winter the conviction on this point will become so widespread that the Government will have no difficulty in inaugurating the policy foreshadowed in the President's message. The effect of that message, followed up by that of Governor Smith, has been great, and if you could get your newspapers, or any one of them, to commence a discussion on this point the people would rapidly become educated to the lesson which experience is sternly teaching.

While agreeing with you thus far, I cannot concur in your opinion that the Confederate Government should assume powers not vested by the Constitution, on the allegation that our safety depends on the exercise of such power. Without dilating on this point it is enough to say that I do not see the necessity for such assumption. Matters of this sort are always best settled by degrees, and it is enough for the moment that the Confederacy should become the owner of as many negroes as are required for the public service and should emancipate them as a reward for good services. The next step will then be that the States, each for itself, shall act upon the question of the proper status of the families of the men so manumitted. Cautious legislation providing for their ultimate emancipation after an intermediate stage of serfage or peonage would soon find advocates in different States. We might then be able, while vindicating our faith in the doctrine that the negro is an inferior race and unfitted for social or political equality with the white man, yet so modify and ameliorate the existing condition of that inferior race by providing for it certain rights of property, a certain degree of personal liberty, and legal protection for the marital and parental relations, as to relieve our institutions from much that is not only unjust and impolitic in itself, but calculated to draw down on us the odium and reprobation of civilized man. It is well known that General Lee, who commands so largely the

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*Not found.

confidence of the people, is strongly in favor of our using the negroes for defense, and emancipating them, if necessary, for that purpose. Can you not yourself write a series of articles in your papers, always urging this point as the true issue, viz, is it better for the negro to fight for us or against us? The action of our people on this point will be of more value to us abroad than any diplomacy or treaty making, even if we had the power to treat upon this point. In the absence of the power the President would never consent to open this subject, nor would I consent to be his agent for such a purpose under any circumstances. If the Constitution is not to be our guide I would prefer to see it suppressed by a revolution which should declare a dictatorship during the war, after the manner of ancient Rome, leaving to the future the care of re-establishing formal and regular Government.

I am, with great regard, your old friend and classmate,

J. P. BENJAMIN,
Secretary of State.

RICHMOND, *December 21, 1864.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have the honor to submit for your information the following statement:

In the present emergency, when the resources of the country are so far exhausted, it becomes a question of paramount importance as to where recruits can be had for our armies, and every effort should be made to fill up our decimated ranks. With this view I would suggest the following plan as affording one field of recruiting not yet resorted to. The only section where men of Southern birth can be raised in large numbers, who sympathize with us and who would join us in this struggle, is Southern California and New Mexico. A considerable number might be raised on the Rio Grande. The only plan for getting those men from Southern California is to send an expedition for the recapture of Arizona. This would open the route into Southern California and enable those who are disposed to join us to do so, and I am confident that one or two brigades of New Mexicans could be raised. As to the number of men that could probably be raised in Southern California (including the mines), I am governed by the opinion of prominent men from that country, who are well acquainted with the sentiment of the people, such as Judge Terry, Colonel Showalter, and many others, who assert that from 15,000 to 20,000 men could be raised. But I would not put the numbers at more than 10,000 nor less than 5,000, but, including the New Mexican population, I would not think there would be any doubt about raising with certainty 10,000 or 15,000 men. In order to accomplish this it would be necessary to send an expedition of 2,500 men and retake Arizona and, if possible, New Mexico. The troops used for this purpose could be returned to Texas so soon as the forces raised could be organized for holding the Territories. This plan for recruiting when I was in command of Arizona was perfectly feasible, and I know of no reason why it might not be accomplished now.

Another field for recruiting would be Mexico. I know of many Californians, New Mexicans, and Arizonians who would not hesitate to join a force to recapture those Territories who would not join the Confederate Army for the war to serve in Louisiana or Arkansas, but who would join for this particular service.

Should the Government conclude to make the effort for the double purpose of retaking the Territories and raising a force, the present seems a favorable time for such a move. The Trans-Mississippi Department is comparatively free from the enemy at the present, and the large proportion of cavalry in that department—the number being greatly augmented by the forces brought out of Missouri by General Price—would indicate that the troops could be spared without inconvenience. Should the Government conclude to make such a move as I have indicated, I would suggest that a formidable alliance might be made with the numerous Indian tribes on the route between Missouri and New Mexico. Those Indians now hostile to Texas and continually committing depredations upon the citizens might, in my opinion, be induced to join us in breaking up the overland travel in that route, thus giving us strong assistance and forcing the enemy to use a large force in keeping open this route by which to supply the Territories, and at the same time relieve the frontier of Texas from the desolating war now waged upon them by these hostile tribes, who are incited and armed by the enemy to rob and murder our citizens.

As to the resources of New Mexico and Arizona and their ability to sustain the forces sent or raised there I have no question. An abundance of wheat, corn, and stock is raised in the country to subsist any force the Government would send there, except, perhaps, the beef, which can be driven from Texas with great ease.

I would suggest that the superiority of the grass in that country does away with the necessity for the amount of corn that would be required for the same force anywhere else.

The plan I have submitted is, in my opinion, the surest means of obtaining any considerable force and one that would increase our army in the Trans-Mississippi Department and enable us to assume the offensive instead of the defensive. I cannot do more, in the brief space of a letter, than call your attention to this important matter and leave for the Government to take such action as it deems best.

I have the honor to be, very respectfully,

JNO. R. BAYLOR.

[First indorsement.]

DECEMBER 30, 1864.

Respectfully submitted for the consideration of the President. This matter was earnestly commended and pressed on my attention by Colonel Harrison during his recent visit to this city, and, through deference to a request from him as well as due respect to the writer, is submitted to you. I fear no resources for such an enterprise can be now spared and that existing exigencies demand that, if practicable, instead of sending off any forces on a distant expedition on the mere contingency of obtaining recruits, all the trans-Mississippi forces at command should be either brought over to this side or used to create diversion in our favor.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

JANUARY 5, 1865.

SECRETARY OF WAR:

It is certainly desirable to secure friendly relations with all the tribes on the borders of the Texas, and to make them auxiliary to operations against the enemy on the plains might best relieve the people

of Texas from their depredations. The treaties made with many of the prairie tribes, if faithfully observed, would in part secure the object suggested within and would facilitate further arrangements. The best means would probably be the employment of a battalion of the Creeks or the Cherokees, accompanied by a competent agent to secure co-operation of the nomadic tribes. The commanding general of the Trans-Mississippi Department could best judge of the propriety of detaching any portion of his command for the proposed expedition into New Mexico and Arizona. We can here decide that if a large force would be requisite that it would be impracticable to spare it. If it be possible to raise in Mexico and in New Mexico and Arizona a number of Southern refugees from California and elsewhere equal to the smallest number named, and who would organize themselves for service with our armies in the field, it would certainly invoke every feasible effort to accomplish such an end. Colonel Harrison thought that could be done and suggested the peculiar capacity of the Hon. Mr. Baylor for the service indicated—that of raising the force and putting it in service.

JEFF'N DAVIS.

[Third indorsement.]

JANUARY 6, 1865.

Noted. For inquiry and conference with the honorable Mr. Baylor.

J. A. S.

TREASURY DEPARTMENT,
Richmond, Va., December 22, 1864.

Hon. S. A. MILLER,
Chairman, &c.:

The resolution of the Senate to which you have called my attention directs that the Committee on Military Affairs be instructed to inquire and report what additional legislation (if any) is needed to secure prompt payment of dues to the Army.

The reply of the Quartermaster-General to this resolution correctly refers the retardation of the pay of the Army, in a great degree, to the delay of this Department in satisfying his requisitions. The causes of this delay are also explained by him, but may be made more clear and intelligible by the following statement:

It will be remembered that as a necessary consequence of the change made in the currency the Treasury was left without ready money on the 1st of April last. A new beginning had to be made on that day, and the resources relied upon to meet future demands consisted of so much of the new issues of the Treasury notes as would remain after the exchange of the old, and of the money to arise from the sale of non-taxable bonds. Very little was expected from taxation, as the 4 per cent. bonds and certificates were made receivable in payment of taxes. Nine months have elapsed since the 1st of April, and the current expenditures for that period are moderately stated at $486,000,000. In addition it was estimated by the late Secretary (report of May 2, 1864, p. 4) that the arrear of debt at that date was $75,000,000, making a total of $561,000,000.

The proposition of new issue applicable to the payment of these demands upon the principle stated could not be estimated at more than $200,000,000. From taxation a further sum was expected of about

$50,000,000, leaving a very large amount—viz, about $311,000,000—to be raised from the sale of bonds and from call loans and payments in certificates of indebtedness.

The arrear of indebtedness existing on the 1st of April was undoubtedly caused in a very great degree by the refusal of the Army and creditors generally, during February and March, to receive payment in the old issue. After the 1st of April the evil was aggravated by the unavoidable delay incident to the preparation of the new issues; and on the 1st of July the arrear of debt was at least $114,000,000, as stated in my report of November 7 (p. 4).

The difficulty of meeting the current expenditures and extinguishing at the same time the pre-existing debt resulted from the insufficiency of the means immediately available, and the payment of the troops insensibly participated in the consequences of the general deficiency. A very large proportion of the funds furnished in March for the pay of the Army, being refused by the troops, was returned into the Treasury in April.

This at once established an arrear of pay for a very large sum. During the two succeeding quarters, for the reasons already stated, the amount furnished was again inadequate; and though the amount paid during the present quarter—viz, $35,000,000—has been sufficient for the quarter's pay, the pre-existing arrearages remain undiminished.

The income tax and the tax on sales for the last quarter of 1864 are relied on to some extent to meet the payments to the Army. Being payable on the 1st day of January, 1865, they are not supposed to be receivable in 4 per cent. bonds, this medium of payment being limited to "taxes payable in the year 1864." Should no change be made in the law, the revenue from this source will amount to $44,000,000, according to the best estimates to be made, and contribute materially to the reduction of the arrear of indebtedness.

Should this amount be collected as proposed, in Treasury notes, and the measures I have had the honor of recommending to Congress be adopted, I indulge in the confident belief that the pay of the Army will be made hereafter with more punctuality and in a better medium.

I have the honor to remain, your obedient servant,

G. A. TRENHOLM,
Secretary of the Treasury.

Act of the General Assembly of South Carolina.

AN ACT to repeal all acts and parts of acts heretofore passed by the Legislature of this State on the subject of furnishing slave labor on the coast and fortifications within this State, and otherwise to provide for furnishing such labor.

I. *Be it enacted by the Senate and House of Representatives now met and sitting in General Assembly and by the authority of the same*, That in order to furnish the necessary slave labor to work on the coast of this State and the fortifications within the limits of the same there shall be organized a force consisting of male slaves between the ages of eighteen and fifty years, liable, under existing laws, to road duty, not exceeding in number at any one time of one-tenth part of said slaves, to serve for the term of twelve months from the date of their impressment; subject, however, to the right of their respective owners, at the expiration of every three months of said term of service, to substitute other slaves so liable to road duty in their place, and who, by

such substitution, shall constitute a portion of the whole of said force, as the case may be, from the respective dates of such substitution. This force shall be raised by a general impressment throughout the whole State whenever His Excellency the Governor may order or direct such agent of the State as he may appoint to make such impressment under the provisions of this act. But if the impressment of a less number than one-tenth would produce should be found to be sufficient, then the impressment shall be made on the State at large, according to one uniform rule of equality, to be prescribed in the order of the Governor directing such impressment to be made by the State agent; and whatever number greater than ten shall be so prescribed as a divisor to make the apportionment by, no fraction of slaves, either below or above such number selected as a divisor, shall be considered or taken into the apportionment unless it is at least one-fifth or more of such divisor; and in such cases the fraction of one-fifth shall be taken by requiring the party owning it to furnish one hand for two months, with the same right of substitution as in case of whole numbers, and the same rule as to fractions shall be observed where the number ten is used as the divisor in making the apportionment.

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XI. If the Confederate Government should make any impressment of slave labor over and above what is to be furnished by the provisions of this act in view of greater emergencies than are contemplated in this act, then and in that event the owners of such slaves shall have credit as for so much labor furnished for coast duty.

XII. That all acts and parts of acts heretofore passed by the Legislature of this State on the subject of furnishing labor on the coast or fortifications be and the same are hereby repealed.

Passed December 23, 1864.

HEADQUARTERS GEORGIA RESERVES AND
MILITARY DISTRICT OF GEORGIA,
Macon, Ga., December 25, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

MY DEAR SIR: I hope you will pardon me for repeating at this time the suggestion I have heretofore made of resorting to the volunteer principle to recruit and increase our Army. What I see and realize around me so strongly illustrates the correctness of the views I have so often and urgently pressed upon the Government upon this subject, that I am constrained again to urge them even upon unwilling ears. At the hazard of incurring the criticism that I have not been equal to the duty of enforcing the conscript law in Georgia, I say to you that you will never get the men into the service who ought to be there through the conscript camp. It would require the whole Army to enforce the conscript law if the same state of things exists throughout the Confederacy as I know is the case in Georgia and Alabama, and I may add Tennessee. As much as I regret that such are the facts, I state them frankly to you that you may adopt the only policy of meeting them. The old organizations can never be filled up. Two years of earnest effort have demonstrated the utter impracticability of doing it. It is time to give it up, and let the old organizations be consolidated. The country cannot afford to consider

the question of injustice to meritorious officers who are left without commands. They must try to get new ones. If you want to fill up your Army you must accept new organizations. If the authority does not exist, get Congress to give it. I honestly believe that I could raise between 5,000 and 10,000 men in Georgia in a very short time if I could announce that the Government would receive companies, battalions, or regiments, and that all men liable to conscription were permitted to join them, and those who did not join would still be conscribed. The effort to conscribe and send men to old organizations is a failure, and if persisted in will end in a continually reducing Army. Of this you may rest assured there does not remain a reasonable doubt.

With sincere esteem, yours, truly,

HOWELL COBB.

[First indorsement.]

DECEMBER 31, 1864.

Respectfully submitted for the consideration of the President.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

Presented to the President in person. He does not coincide with General Cobb. For answer. Return.

J. A. S.,
Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 25, 1864.

Brigadier-General BRANDON,
Commanding Reserves, Enterprise, Miss.:

GENERAL: Your letter of the 5th instant has been received. The Department can oppose no objection to the interposition of the courts in the determination of questions which properly arise in cases that may regularly come before them for adjudication.

Unfortunately the Confederate States have not organized their judiciary so as that questions arising under the Constitution and laws of the Confederacy shall be finally settled by their own tribunals, nor have they provided that they shall be brought to adjudication, exclusively, by their own courts.

This has compelled the Department to submit to decisions by courts that are not under the Constitution the ultimate arbiters of such questions. But the Department has not usually regarded the decisions as authoritative over the question decided, but only in the particular cases. It has yielded to the judgment of the court, but not to the opinion that might be pronounced as settling all similar cases.

If the Department had adopted any other rule it would have found itself compelled to administer the same law differently in the different States; for in different States diverse opinions upon the same questions have been more than once expressed by their highest courts.

The act of Congress of February last placed in the service all persons between seventeen and fifty years of age for military service under different circumstances. The reserved classes were designed

for the defense of the States in which they were to be organized. These men were withdrawn from their militia organizations and placed under Confederate control. The act of Congress is constitutional and is the supreme law of the land.

The Department has no power to dispense with the execution of this law, or to submit its action under it to the final decision of any State tribunal.

The decision of the State courts of Mississippi will be respected in any case within the jurisdiction of the court, and the opinion of the judge will be considerately examined in respect to the cases that are likely to arise, but the Department cannot pledge itself to adopt it as the basis of its action. Please send the opinion of the court in the case to be submitted.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 306. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, December 27, 1864.

* * * * * * *

X. The following-named persons (disinterested slave-holders) are hereby appointed, under paragraph VIII, General Orders, No. 86, Adjutant and Inspector General's Office, current series, a board for the appraisement and ascertainment of hire of slaves already impressed under act of February 17, 1864, and now in service with the Army of Northern Virginia without previous appraisement or ascertainment of hire, or who may hereafter be impressed or received without appraisement or special contract: Mr. Turnbull, presiding justice of Dinwiddie County, Va.; Maj. E. B. Branch, quartermaster; Capt. A. W. Dunn, assistant quartermaster. Surg. O. A. Crenshaw, Provisional Army, C. S., will act with the board and make a careful medical examination of each negro before appraisement. The members of the Board and Surgeon Crenshaw will report to Brig. Gen. W. H. Stevens, chief engineer Army of Northern Virginia, who will designate the time and place of the assembling of the Board.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 27, 1864.

Hon. W. T. DORTCH,
C. S. Senate:

SIR: I have received your letter of the 19th instant presenting the following inquiry:

Is bonded farmer for one farm required to sell the surplus of other farms he may own at schedule prices, besides the one designated in the bond?

I have the honor to state in reply that no question has been presented for decision in this Department on this point. The third condition of the exemption to agriculturists is:

Such person shall further bind himself to sell the marketable surplus of provisions and grain in hand, and which he may raise from year to year while his exemption continues, to the Government or the families of soldiers at prices fixed by the commissioners of the State under the impressment act.

There is no limit in this obligation to the surplus or to products of any plantation, but seems to refer to the entire property of the kind described that is possessed or may be raised by the party exempted.

The clause in reference to exemptions or details that may be made by the Department is more explicit. The exempt or detailed is required to employ in good faith his own skill, capital, and labor exclusively in the production of grain and provisions to be sold at the ascertained prices. No reason occurs to the Department for making any distinction in the obligations of the two classes in this particular, and it is probable that Congress designed that they should be the same.

The language of the article above quoted as to the owners of plantations of a specific description bears this interpretation, and the Department inclines to the opinion that this is the proper construction of the act of Congress.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

GRIFFIN, GA., *December 27, 1864.*

Hon. JEFFERSON DAVIS,
President Confederate States of America, Richmond, Va.:

DEAR SIR: From a sentiment contained in your speech at Macon, in this State, viz, that you read all letters written to you, I am emboldened to address this note to you. Unless something is done, and that speedily, too, there will be thousands of the best citizens of this State, and heretofore as loyal as any men in the Confederacy, that will not care one cent which army is victorious in Georgia. I say this with heartfelt sorrow and deep regret. I cannot believe that you are fully aware of the true state of things in Middle Georgia. Let me enumerate some facts which have been and are yet being enacted in the section where I live.

Since August last there have been thousands of cavalry and wagon trains feeding upon our corn-fields, and for which quartermasters and officers in command of trains, regiments, battalions, companies, and squads have been giving the farmers their receipts, and we were all told that those receipts would pay our Government taxes and tithing; and though many of those receipts were signed by bonded quartermasters, yet not one of them will be taken by our collector. But again: When General Sherman left Atlanta Wheeler's cavalry commenced their retreat before him, and but a handful of Sherman's men ran W[heeler's] whole command down to Griffin, and while S[herman's] army was marching through Fayette, Clayton, Henry, and Butts, Wheeler's cavalry was burning up all the corn and fodder, driving off all the stock of the farmers for ten miles on each side of the railroad, all of from ten to twenty-five miles to the right and rear of Sherman's forces. Worse than all, the stock of mules and horses which General Wheeler's forces carried off, nine out of ten they have appropriated to their own use. In consequence of which there will be thousands upon thousands of acres of lands uncultivated the next year for the want of plow stock, which has been stolen from them by men claiming to act under orders from those high in authority. There are hundreds of families that have not one ear of corn left, whose husbands are now in the Army, and have been for the last three years, and now we are notified that our tithing must be paid.

Our corn eaten up, or rather wasted or burnt, our fatting hogs shot down because too fat to drive, I ask, how can we pay our tithing? And yet we are threatened with having our lands sold for taxes. Our scrip for corn, used by the orders of our generals, will not be taken.

Again, there is another thing giving great offense. Two days since a soldier's wife wanted to pay her tax, which was $87. She had a certificate for $100 for that amount of the old issue which she had deposited. The collector refused to give her the change, even in the old issue. She then offered the collector the certificate of $100 for her tax, which was only $87, and he would not do that. The wife of the poor soldier had to submit to a shave by one then present of 50 cents on the dollar upon her certificate and then borrow $37 to pay her taxes, paying $137 for her tax of $87 only. Is this law? Can it be so? I then protested against it, and I still do. If that is the law of the Confederacy I do not wonder that there are so many men absent from the Army. Once more. How is it that we have certified claims upon our Government, past due ten months, and when we enter the quartermaster's office we see placed up conspicuously in large letters, "No funds"? Some of these said quartermasters [who] four years ago were not worth the clothes upon their backs are now large dealers in lands, negroes, and real estate. I speak of facts. Again. How is it, sir, that many of our brave men who fought with the immortal Taylor at Buena Vista have been sacrified by drunken officers high in command now in Georgia? This I assert is true.

In conclusion, let me ask you what is to become of the families of our soldiers whose corn has been destroyed? I know of one man, though he has suffered seriously by Wheeler's robbers, he is now, as he has been for three years, selling corn to soldiers' families for $1.50 per bushel in the old currency; and I do hope and pray that Congress will pass a law that any man or woman who sells corn for more than $2 per bushel and wheat over $3, pork over 20 cents, oats $2, fodder $1.50 per hundred pounds—if a man, he shall be sent to the front, and if a woman she shall forfeit $100 for every bushel sold above $2, and any merchant or trader that shall sell any article above 400 per cent. what that article was worth before the war shall either be sent to the front or pay a fine of ten times its value. Such a law would send thousands of absent soldiers back to their commands. I have not put down aught in malice. That you may know who I am and my standing, I refer you to the names found below.

With a sincere desire and prayer to God that your life may be spared for many years,

I am, very truly, your obedient servant,

P. A. LAWSON.

References: His Excellency J. E. Brown, Milledgeville, Ga.; Hon. E. A. Nisbet, LL. D., Macon, Ga.; Hon. R. P. Trippe, Forsythe, Ga.; editors Intelligencer, Atlanta, Ga.

PRESIDENT'S OFFICE,
CHARLOTTE AND SOUTH CAROLINA RAILROAD,
Charlotte, N. C., December 27, 1864.

Hon. J. A. SEDDON,
Secretary of War:

DEAR SIR: The occupation of Savannah by the Federals as well as Port Royal, with a portion of the Savannah River, place the

Charleston and Savannah as well as the South Carolina Railroads in their reach. The former is occupied and the latter imminently threatened. The urgent necessity of a more interior line has doubtless presented itself to your mind. The Legislature of South Carolina appears deeply impressed with the importance of such a step. I presume that the resolutions on this subject, unanimously passed a few days since by it, have been forwarded to you by Governor Magrath. These resolutions invite your co-operation in the speedy construction of the direct road now under way from Columbia to Augusta. You will doubtless recollect that I, as president of the Columbia and Augusta Railroad Company, have invited your attention to the subject on former occasions. In my last you gave the authority to detail not exceeding forty contractors, upon certain conditions. In July and August I made a fair beginning, and by October we had about 600 hands. General Orders, No. 77, took off many of our contractors and hands. We still had increased the number of hands to about 400 when Sherman started from Atlanta. The military authorities at Augusta took about 300 of them to fortify that city. These contractors, being from Georgia, returned with their slaves to their homes after being discharged at Augusta. We still have between 500 and 600 hands at work, and are adding to the force every week.

The great difficulty has been in getting contractors exempt or definitely detailed since Order No. 77. I have not exceeding eight or nine contractors now detailed. The others are exempt from other causes or over age. If the Department can definitely and absolutely detail or exempt not exceeding sixty contractors, I think I can get from 1,500 to 2,000 slaves on the work, and have a portion of both ends of the line ready for the rails by April, and grade the remainder as fast as the track could be laid. Some of the iron would be to haul one mile and a half at this terminus until the bridge across the Congaree near Columbia could be finished. The distance from Columbia to Augusta by the line adopted is seventy-nine miles, but we propose to connect with the South Carolina Railroad at Graniteville, ten miles this side of Augusta, and cross the Savannah at Augusta on the bridge of that road. This would leave only sixty-nine miles of road to construct for Government purposes. The great desire of this company now is to subserve the military purposes of the Government, and with a view of pressing the work vigorously it would respectfully request that the War Department would authorize the detail or exemption while at work of not exceeding sixty contractors and laborers. I believe a lesser number will answer, as I require every grading contractor to bring not less than twenty-five hands. Give the company the right to subsistence and clothing for hands at Government prices, with the privilege of transportation of all supplies on the railroads second only to military transportation. With these privileges granted the Government will bring a large amount of private capital to the vigorous prosecution of the work. But contractors must be exempt from being impressed into the Army and their slaves from coast defenses, when practicable. The hands can be had now if the authority with the privilege of providing for them is granted. The Government will have to provide the iron, chairs, and spikes, and can lay it down on the track should you deem it best. If in our disasters we should be unable to save the iron of the Charleston and Savannah, or that portion of the South Carolina Railroad iron below or south of Branchville, the rails of the Union and Spartanburg Railroad, seventy-five miles long, would be more than sufficient to lay the entire track of

the Columbia and Augusta Railroad. I have been pleased to hurriedly submit these views as information to you in connection with the resolutions which I presume the Governor has forwarded to you, and to offer the ready co-operation of the company to the policy of the Government, while

I am, very truly, &c.,

WM. JOHNSTON,
President.

P. S.—In the absence of my clerk you will excuse the manner of this.

W. J.

[First indorsement.]

JANUARY 1, 1865.

Engineer Bureau for consideration and report.

J. A. SEDDON,
Secretary of War.

[Second indorsement.]

ENGINEER BUREAU,
January 2, 1865.

Respectfully returned to the Honorable Secretary of War.

In consideration of the great exposure of the railroads passing through Branchville, S. C., I think every assistance consistent with other interests should be given by the Government in aid of the direct line of road between Columbia and Hamburg. The details (sixty men) asked for by President Johnston should, in my opinion, be granted at once. Facilities for transporting materials over adjacent railroads should also be extended to the company, and this can best be done by putting them on the same footing as Government freights.

J. F. GILMER,
Major-General and Chief Engineer Bureau.

[DECEMBER 28, 1864.—For Mallory to Vance and resulting correspondence, in relation to "coals of the steamer Advance," see message of the President, February 3, 1865, p. 1055, *post.*]

RICHMOND, VA., *December 28, 1864.*

General S. COOPER,
Adjutant and Inspector General:

GENERAL: Please have inquiry made so as to ascertain the number of men turned over for field service under the operation of General Orders, No. 82, designating the place from which and the officer by whom the men were turned over; to what command they were sent; whether they were subsequently detailed, and, so far as can be ascertained, whether they are now serving in the field. The heads of bureaus from the posts of which these men were drawn can probably furnish you aid in obtaining this information.

Very respectfully and truly, yours,

JEFFERSON DAVIS.

CONFEDERATE STATES OF AMERICA, POST-OFFICE DEPT.,
Richmond, December 29, 1864.

His Excellency the PRESIDENT:

The inclosed letter was addressed to General Ewell instead of sending him a list of clerks to be redetailed. He, as will be seen from

his indorsement, advises me that my letter should have been sent to the Secretary of War, by whom I was requested to communicate with him.

I respectfully call Your Excellency's attention to the facts disclosed in my letter to General Ewell and to the necessity of some action which will put an end to this anomalous condition of things which is paralyzing the Department for the want of a few men, indispensable on account of their skill and experience, and subjecting the heads of departments to the control of military officers of any grade who may have to act on their applications for the detail of their own clerks, and subjecting them to the receipt of such suggestions as that contained in the last paragraph of General Ewell's indorsement about the employment of ladies. If he had been well informed on the subject on which his advice is volunteered, he would have known that it would not have been more absurd to propose to appoint ladies to perform the duties of his staff than to propose that they should perform the duties of a number of the officers and clerks of this Department.

I must also say that with the very few men in this Department liable to perform military duty, but who are indispensably necessary to it, no inconsiderable portion of my time for a year past has been spent in asking for details and passes and in repeating these requests every few days or weeks only to have them revoked and then going over the work of obtaining them again. The policy is most injurious to the public service, and is embarrassing and degrading to the heads of departments who have to submit to it.

With greatest respect, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

[Indorsement.]

MARCH 2, 1865.

Secretary of War for his perusal as stating matters which have heretofore been embarrassing.

J. D.

[Inclosure No. 1.]

CIRCULAR.] CONFEDERATE STATES OF AMERICA,
WAR DEPT., ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., December 23, 1864.

Maj. Gen. J. F. GILMER,
Chief of Engineer Bureau:

GENERAL: By direction of the Secretary of War the men belonging to the Local Defense Troops and now on detailed duty in this city will assemble to-morrow at 10 a. m. at their respective regimental rendezvous for the purpose of rejoining their commands in the field. A list of the most important, not to exceed one-half of the number from each bureau, will be sent to the headquarters of General R. S. Ewell, in this city, which will be detailed and kept on duty.

Very respectfully, your obedient servant,

JNO. W. RIELY,
Assistant Adjutant-General.

Respectfully submitted to the Postmaster-General.

JOHN W. RIELY,
Assistant Adjutant-General.

[Inclosure No. 2.]

CONFEDERATE STATES OF AMERICA, POST-OFFICE DEPT.,
Richmond, Va., December 28, 1864.

Lieut. Gen. R. S. EWELL,
Headquarters, Richmond, Va.:

GENERAL: Referring to a circular from the Adjutant-General's Office of the 23d instant, which came to hand yesterday, I beg to say that the following-named men, clerks in the Richmond city post-office, are now in the trenches, Company B, Third Regiment Local Defense Troops, to wit: John R. Currie, A. R. Tarborough, D. S. Cabell, James R. Thom, Edwin Pleasants, James ———, and W. L. Walker.

The following-named clerks in that office—to wit: William B. Reed, P. P. Frayser, R. L. Noel, R. W. Crittenden, J. R. Wilkinson, M. M. French, W. H. Crawford, and L. E. Hough—have been allowed to remain in it or detailed and returned to it upon my urgent solicitation, as being clerks of special skill and experience and indispensably necessary to keep the city post-office in operation. Without them the mails for the Government, for Congress, for the Army, and the country cannot be made up and sent from Richmond or distributed and delivered to those to whom they are due in Richmond.

Under these circumstances I feel constrained to ask you to allow the clerks now detailed in the city post-office to be kept on duty in it.

Very respectfully, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

[Inclosure No. 3.]

CONFEDERATE STATES OF AMERICA, POST-OFFICE DEPT.,
Richmond, December 28, 1864.

Lieut. Gen. R. S. EWELL,
Headquarters, Richmond, Va.:

GENERAL: Referring to the communication of John W. Riely, assistant adjutant-general, of the 23d instant, which came to hand yesterday, requesting that one-half of the men detailed from the Local Defense Troops should be returned to duty in the trenches, I beg to say that the following-named clerks of this Department are now in the trenches and have been since the 29th of September last, to wit, Col. John McAnerney, jr., Sergts. B. F. Perry, F. Wise, Privates Samuel Hanson, G. F. Eubank, Edwin Sheppard, and the following-named clerks of this Department have been assigned and are now performing guard duty in this city, to wit, Lieut. T. P. A. Bibb, commanding guard; Privates J. Newton Lewis, J. N. Clark, B. S. Howard, L. D. Hill, making eleven of the clerks of this Department who have for three months past been withdrawn from their appropriate duties, to the great injury of the service of the Department.

The following-named officers and clerks of this Department, to wit, Lieut. H. St. George Offutt, chief of Contract Bureau, Post-Office Department; Private J. L. Lancaster, principal clerk of Finance Bureau, Post-Office Department; Sergt. S. T. McNair, Privates A. G. Cantley, J. S. Douglas, J. T. Taylor, R. A. Fennell, were absent from their important duties here serving in the trenches in Company B, Third Regiment Local Defense Troops, for the greater part of the last three months, until the Department became so embarrassed for the want of their services that on my earnest solicitation made from time to time they have been detailed to return to their duties here.

I have been urged by the heads of bureaus for some time past to ask for the return of other clerks of this Department to their duties here, as indispensably necessary to carry on the business of the Department, but have delayed this request, much to the detriment of the service of the Department, on account of the great need of troops to man the trenches. I must therefore ask that you allow those now in the Department to remain on duty in it; and even with them I am greatly embarrassed in the effort to discharge my duties in the absence of the large number of my clerks now in the military service.

I ought to add that no one has been appointed to a clerkship in this Department who was able to do military service since the early part of the year 1862, and that fully three-fourths of the clerks of this Department are either men over fifty years of age, ladies, wounded and disabled soldiers, or invalids from some other cause; and fully one-half of them who belong to the Local Defense Troops are either disabled soldiers or invalids from other causes.

The few who are really able to do military duty are men who have been in the Department from the time of its organization in 1861, and nearly all of those had resigned positions in the Post-Office Department at Washington to accept service in and to contribute their skill and experience to the postal service of the Confederacy. When the local defense organization was gotten up it was understood that the clerks and officers who joined it were only to be called out on special emergencies, and no one contemplated that they were to constitute, as they have since last spring, a part of the Army, and to be withdrawn for months at a time from their proper and necessary duties.

I would not trouble you with a statement of these facts but for the reason that they show that the policy being pursued with reference to the clerks of the departments is operating most injuriously to them, and should be changed or their usefulness must be destroyed.

If it is determined to make soldiers of the clerks and to deprive the departments of their skill and experience, this should be done, and the departments should know that they must do the best they can without them, and thus avoid paying them their salaries as clerks while using them as soldiers. If not, they should be allowed to continue in the performance of their duties, unless when called out for a few days at a time to take their part in any pending battle. It is to be remembered, too, that the departments—at least this one—can, under the law, appoint but a limited number of clerks. It has no authority, therefore, to make other appointments in lieu of those sent to the trenches, and the business must in consequence remain unattended to.

I hope you will allow those now in this Department to remain, as I cannot go on without them; and I hope it will be found practicable soon to return the other clerks to their duties in the Department. All the clerks I have named above, whether in the trenches or in the Department, have been, on my application, permanently detailed by the Secretary of War, under General Orders, No. 77, Adjutant and Inspector General's Office.

Very respectfully, your obedient servant,

JOHN H. REAGAN,
Postmaster-General.

[Indorsement.]

HEADQUARTERS DEPARTMENT,
Richmond, December 29, 1864.

Respectfully returned to honorable Mr. Reagan.

This is a subject over which I have no control. These troops are turned out by order of the Secretary of War on account of the emergencies in the front, and the application should go to him. I would observe, however, that I have frequent applications from ladies, who are well recommended and in great want, and are apparently well fitted for clerical duty.

R. S. EWELL,
Lieutenant-General.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, December 29, 1864.

Hon. J. A. SEDDON,
Secretary of War:

SIR: I have the honor to hand you, as requested, a statement showing the amount of unpaid requisitions for funds made by this department and now in the Treasury Department, and of those made but which have not yet reached that Department, viz:

In Treasury Department awaiting signature	$108,300,700.84
Issued from this office and between War Department and the Treasury	20,059,884.03
Total	128,360,584.87

Respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

CONFEDERATE STATES OF AMERICA, SUBSISTENCE DEPT.,
Richmond, December 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In reply to your inquiry I have to report that the unpaid requisitions of this Bureau amount to $34,002,684.65. The debt of the Bureau is largely in excess of the requisitions issued, for the following reasons, viz: No estimates have been received from several districts for November and December, and in nearly every district the estimates for December will fall short, from the fact that officers are now paying vicinage appraisement prices instead of schedule rates for all subsistence delivered prior to 1st of February, 1865. Requisitions for the full amount of the indebtedness of some officers have not been issued, because it was known that the Treasury would not meet them. For example, the indebtedness in the State of Georgia is $12,000,000 or $13,000,000, of which there are requisitions for only about $7,000,000. In response to an inquiry from the War Department, $12,500,000 of the appropriation for the Subsistence Bureau was appropriated for the Trans-Mississippi Department, and Maj. W. B. Blair, chief commissary of subsistence for that department, was designated as the officer to draw for that amount. The Treasury

Department sends the funds across and arranges the distribution of the funds on Major Blair's order.

Very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 29, 1864.

Hon. G. A. TRENHOLM,
Secretary of the Treasury:

SIR: I have examined the paper of General E. Kirby Smith, referred by you the 23d instant, in which the indebtedness of the Trans-Mississippi Department is approximately stated for the year ending September 30, 1864, at $60,333,099. He includes under the title of amounts due $20,277,465, and from estimate $40,055,634. To this amount is to be added the debts contracted since that date. A portion of this sum has been remitted, but it is supposed that the debt is quite as large now or larger than it was September 30, ultimo.

The requisitions of the Quartermaster-General, unanswered, now amount to the sum of	$128,360,584.87
Those of the Commissary-General	34,002,684.65
The Ordnance service is in arrears	5,640,388.00
The Medical service is in arrears	3,090,333.00
The Engineer service is in arrears, exclusive of trans-Mississippi	5,000,000.00
The Niter and Mining service	5,600,000.00

The Department is constantly importuned for the payment of money due for necessary supplies which have already been furnished, and is constantly advised that supplies cannot be obtained for the want of the requisite funds. Its whole service is in a fair way to perish from inanition.

I am satisfied that the discredit of the Government has arisen, in a measure, from the delay that has been made in the liquidation of these pressing, urgent, and meritorious claims. I am aware of the many strong considerations that induce a restriction of issue as far as practicable; but I venture to suggest that the currency itself probably suffers more discredit from the failure to meet the engagements of the Government than could result from inflation by the issue necessary to redeem them.

You can scarcely realize to what extent the inability or failure to meet the obligations of the Department has been prolific of mischief. It has been the occasion or excuse for desertion, marauding, sale of clothing and equipments among soldiers; it has prevented the accumulation of supplies; it has affected the efficiency of transportation; it has produced carelessness or indifference among contractors; officers are resentful, and soldiers reckless, discontented, and suffering.

Most seriously apprehensive that unless the indebtedness of this Department now existing can be provided for without delay, that its operations cannot, with daily increasing obstructions, embarrassments, and antagonisms among the people themselves be carried on, I am constrained to invoke your earnest attention to the subject, and to urge the immediate application of all practicable measures of relief.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

OXFORD, MISS., *December 29, 1864.*

Hon. J. W. C. WATSON:

MY DEAR SIR: I redeem a promise made you some time since. In the discharge of my duties in the Inspector-General's Department I have been brought immediately in contact with most of the abuses and grievances herein mentioned, and I therefore speak with some knowledge and confidence. I regard the conscript department in Georgia, Alabama, and Mississippi as almost worthless. I believe if the officers and men engaged in it were sent to the field more strength would be added to the Army than will probably be afforded by the conscripts who will be sent forward. In this State, for the past five months, only 235 men between eighteen and forty-five years have been started to the field, and if the desertions from this number were in proportion to those from the officers and camps of instruction, not a company is in the Army. It is true that 537 were conscripted of this class, but 302 of them deserted before starting from the State. A want of efficiency and energy is everywhere perceptible. I fear that medical boards have in many instances done disservice to the cause. The Board at Brookhaven, Miss., from April to October last, examined 1,125 men, and of these discharged 807 (over 70 per cent.) as unfit for any duty.

The details made by the department are very numerous and are very inaccurately reported. In repeated instances I find that district enrolling officers, and in some instances county officers, have made details which have not been reported to the commandant of conscripts. As a matter of course, the reports made to Richmond are very inaccurate. These defects exist also in Georgia and Alabama. One defect exists in this State which is not found in them. I allude to the number of State exempts reported in this State. That number is only 205. We know that each county in this State is entitled to five members of the board of police, ten magistrates, ten constables, one sheriff, deputy sheriff, probate judge, probate clerk, circuit clerk, coroner, tax assessor, tax collector, treasurer; and each county is allowed some five poor commissioners. These aggregate over 2,300 exempts; they are county officers only. The State officers would swell the number to at least 4,000, and yet but 205 were reported. This abuse is greater in Georgia, but that State shows in the conscript reports; the truth, however discreditable. Mississippi enjoys the benefit but avoids the stigma. The Conscript Department claims the credit of having sent over 1,000 deserters to their commands in the past five months. Many of these voluntarily surrendered themselves, still more were mere stragglers overstaying their furloughs, and others were arrested when on their way to the army. Many others were arrested by the State officers or the militia. The department is therefore entitled to but little credit on this score. I have but barely alluded to some few of the many abuses of this department. I believe, too, that the system of conscription is failing from want of material on which to operate. I believe that the conscript has been conscribed generally. The department might be abolished without material injury to the service. You will ask me, if such be the fact, how are the ranks of our Army to be filled.

This leads me to mention other abuses that are frightful in character.

First. The number of deserters is alarmingly large. From a careful examination on this subject I am prepared to say that the number in this State is not less than 7,000.

Second. The number of skulkers under details is also very large. Every post is full of them. The Quartermaster, Commissary, Ordnance, Medical, and Post Departments are full even to repletion. These details are generally young and healthy. I have been ordered to send this class to the Army. How can I effect it? I approach a detail to every appearance sound, and he thrusts into my face a certificate of disability. The disease is occult, the name scarcely known to me. He looks strong enough to brain an ox with his knuckle and eat him afterward. I have the prima facie evidence of my senses against the prima facie evidence furnished by the certificates. I can act earnestly, but I act blindly. I have asked for a medical officer to accompany me in the discharge of this duty. My request has not been granted. I believe the medical profession as free from corruption as any other officers. The improvement in this department has been wonderful during the past two years. Still they are human. It is an erroneous policy to force the question of fitness of details at a post upon the surgeons there. They are dependent upon the quartermaster there for home, office, fire, pay, clothing, and transportation, and receive from the commissary the food that feeds them. They would be less or more than human could they listen without prejudice to the petition of these officers for details, backed by assurances that they know the subject to be suffering from nearly "every ill that flesh is heir to." I could correct the evil could I see through the eyes of an intelligent physician not subject to these influences.

Third. Large numbers of supernumerary and unnecessary officers are found everywhere. Posts are created for them to fill. Each little town in the State has its commandant of post, its conscript officer, its adjutants, its guards; in a word, its little army around it. One of these officers could perform the duty of the whole. Send off the others, and more than a regiment of troops will be added to the Army from this source in this State alone. When an officer becomes wholly worthless in the front he is sent as a curse to fill some post in the rear.

For a time, as you know, I filled the position of adjutant-general for one of our armies. Necessity compelled the consolidation of regiments occasionally. Whenever this occurred, I sent for the commanding officers, and selecting the best of their subordinates for the field, I scattered the worst to the rear. They could not be forced into the ranks; to permit them to remain with the Army was only to retain a class who could cause mischief in producing discontent at orders which circumstances rendered imperative. They are wandering through the land, worthless to the country and reflecting discredit on the service. Send them to the ranks. Displace young, healthy, lazy quartermasters and commissaries by disabled officers in the field.

Fourth. There is another great evil in all the States. Congress has passed severe laws against the employment of able men by quartermasters and commissaries. This law is evaded not only by false certificates of disability, but by equally false certificates on the part of officers that these employés are indispensably necessary to them, and details are thereupon made by the Secretary of War. The number of these details is very large, and the facility with which these certificates are given is wonderful. I have seen many disabled officers and privates well qualified to discharge these duties refused employment to screen a useless favorite from the field. These are some of the

evils of the service. They must be corrected or I fear the loss of our cause. Pardon me a single suggestion as to the remedy. Consolidate your regiments in the field. Place them in the Confederate Army. Force the supernumerary officers not specially marked for merit into your corps élite. Send some of peculiar merit to fill the important posts in the rear. Repeal all exemptions, and let other meritorious officers be sent home to organize and then command new companies to be raised from this class. Place these in the Confederate Army. The soldiers in the field will thus be thrown with their old companions in arms, and the new troops from home will fight by the side of their friends from home. Take hold of the militia; organize it; make it your conscript arm. Offer to each of its members a limited furlough for every deserter he may arrest. I believe you can thus call into service the military strength of the nation. Let the men and officers who have been disabled in the field become your civil officers, your overseers, your quartermasters and commissaries in the rear. I believe there are this day in Mississippi alone a sufficient number of deserters, skulkers, idle officers, improper details, and useless exempts to give victory to any army to which they are sent. I have served since the first day of this war; am beyond conscript age; am partially disabled; but I will cheerfully resign my commission and once more seek the ranks with these men; but should it be my lot in any way to lead, I will place them where some acquaintance with the smell of powder will be added to their knowledge.

I beg leave to allude to one or two subjects disconnected with the Army. Our taxes are heavy, but I do not think unnecessarily so. The burthen is certainly an unusual one. Nothing should be done to make it odious to the citizen, and yet I fear some regulations are making it so. Those holding the 4 per cent. certificates complain that the Government, as far as possible, discredits them. Fractions of hundreds cannot be paid with them. I saw a widow lady a few days since offer to pay her taxes of $1,271.31 with a certificate of $1,300. The tax-gatherer refused to pay her the change of $28.69. She then offered the whole certificate for the taxes. This was refused. This apparent injustice touched her far more than the amount of the taxes.

Again. Many of our planters have been able to raise but a small surplus. They have cheerfully sold the surplus to the Government and have been compelled to take certificates of indebtedness. The Government will not pay them and refuses to receive them in payment of taxes. The planter has no money, and his property must be sold. He throws the certificate first on the market, and they can be purchased in many places at a discount of 75 per cent. The people complain of their Government as oppressing them, not so much by what it requires as the manner of making the requisition and of its refusal to pay a class of its debts that were contracted for currency.

Again. Portions of this and other States have been repeatedly overrun by the foe. Scarcely half our planters have had the ability to till the soil.

In this and the northern tier of counties of this State sufficient food is not found for the home population. The tithes are being paid. Do not remove them from these counties, else starvation will be literally thrust on our people. Sell the tithes to the county police (?). This would be an act not only of justice but of mercy.

Pardon this long letter. Your position gives you a voice in the correction of abuses, and I know your patriotism will prompt you to

use all means in your power of promoting the efficiency of the service and the happiness of our people.

I am, dear sir, truly, your friend,

H. W. WALTER.

[Indorsement.]

MARCH 28, 1865.

Referred to the Adjutant-General, whose attention is specially called to the statements made within, and which are probably more specifically set forth in the inspection reports of this officer.

J. D.

COLUMBIA, S. C., *December 29, 1864.*

Mr. SEDDON:

MY DEAR SIR: I inclose you two acts of the Legislature of South Carolina.* The exemption act, you perceive, is intended and will have the effect to nullify the existing law of Congress and to forestall any future legislation of Congress looking to citizens of South Carolina for an increase of the Army, except by express permission of the Governor of the State. The slave-labor act is also intended, and has the effect, to prevent the accession of one slave to the Confederate service as a contribution to the public defense. By comparing these two acts with the act of Congress, the general orders, and your instructions, you will at once detect the purpose to contravene Confederate action in the matter. This legislation is an explicit declaration that this State does not intend to contribute another soldier or slave to the public defense, except on such terms as may be dictated by her authorities. The example will speedily be followed by North Carolina and Georgia, the Executives of those States having already assumed the position. Alabama and Mississippi will follow, and it will not now need General Bragg's and General Kemper's military conscription to drive the people and the States to resume their own defense. The folly and wickedness of Governors Brown and Vance, and the Legislature of South Carolina have done that already which military conscription would have effected before March—disintegrated the Confederacy. They have saved the Confederacy the shame of an idiotic suicide. With no enrolling officers, and the reserves in the field, I must do with conscription and its cognates what General Taylor proposed to do to keep Captain Bragg from running away from Buena Vista—"Colonel Bliss and myself will re-enforce you." Captain Duffield and myself will try to carry on the recruiting and furnishing labor to the Army. It is a matter of pain to me that the first treason to the Confederate States in the form of law has been perpetrated in South Carolina. I believe it has been thrust on the Legislature by designing knaves, but I have no hope that the Governor will or can administer these laws in any other spirit than that in which they were designed. Pardon the freedom of an unofficial note.

Most respectfully and truly, your obedient servant,

JNO. S. PRESTON.

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* For inclosure No. 1 (here omitted), see Series I, Vol. XLIV, p. 981.

[Inclosure No. 2.]

The following is the exemption act passed at the recent session of the South Carolina Legislature:

AN ACT to authorize the Governor to require the exemption of certain State officers and other persons from Confederate service.

SECTION 1. *Be it enacted by the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same*, That the Governor be, and is hereby, authorized and required to claim the exemption from Confederate military service of the officers and members of both branches of the General Assembly of this State, and the following State officers, to wit: Lieutenant-governor, judges of the courts of law and equity, attorney-general and solicitors, secretary of state, comptroller-general, state auditor and two assistants, treasurers of the upper and lower division, adjutant and inspector general and one assistant, quartermaster-general, commissary-general, state engineer and one assistant, aides-de-camp to the Governor (not to exceed one to each militia brigade), private secretary of the Governor and his clerk, sheriffs, clerks of the court, ordinaries, masters, registers and commissioners in equity, tax collectors, president, cashier, book-keeper, and one teller of the bank of the State and each of its branches, officers and cadets of the State military academies, professors of the South Carolina College, superintendent, physician, and keepers of the lunatic asylum, and superintendent, steward, and teachers of the Asylum for the Deaf, Dumb, and Blind.

SEC. 2. That the Governor be and is hereby authorized, if the same be in his judgment necessary, and under such regulations as he may prescribe, to require the exemption of the following State officers and other persons, to wit: Members of the Board for the Relief of Soldiers' Families (who are over forty-five years of age), president, cashier, book-keeper, and one teller now in the employment of each of the several banks in the State, the presidents and treasurers now in the employment of the two savings institutions in the State, such deputy sheriffs as may be indispensable to the execution of the laws of the State (not to exceed one in each judicial district), State agent for the supply of slave labor, one editor for each newspaper being published at the time of the passage of this act, and such printers and pressmen as said editor may certify upon oath to be indispensable to the publication of said newspaper; the public printer of the State government, and such journeyman printers as said public printer shall certify upon oath to be indispensable to the public printing; the chief of the South Carolina Hospital Bureau at Richmond and his assistant, the officers and members of the police and fire departments of Charleston and Columbia, and such artisans, mechanics, and persons of scientific skill, and other employés as may be indispensable to the carrying on of the manufactories and public works belonging to the State; the professors and teachers of all incorporated colleges in the State; every minister of religion authorized to preach according to the rules of his church, and who was, on the 1st day of May, 1861, and at the passage of this act, shall be regularly employed in the discharge of his ministerial duties, and is not engaged in any traffic.

SEC. 3. That for the proper police of the country the Governor is hereby authorized, under such regulations as he may prescribe, to require the exemption from Confederate military service of such persons as he may adjudge indispensable for the government of the slaves, and the protection of the citizens and property of the State: *Provided*, That such exemptions shall not exceed in any district one for every two hundred slaves in said district: *And provided further*, That the rights of overseers now having both Confederate and State exemptions shall not be changed nor altered by the provisions of this act, nor shall such persons be included in the estimate of the above proviso.

SEC. 4. That all officers and persons who shall be so required by the Governor, pursuant to the provisions of this act, be, and they are hereby, declared exempt from Confederate military service during the period for which their exemption shall be so claimed.

WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., December 29, 1864.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I have the honor to state that the claims against the Engineer Department will, at the close of the present month, amount to

$5,000,000. This does not include the Trans-Mississippi Department, which will increase it to $7,000,000.

The above information is derived from the requisitions awaiting the action of the Honorable Secretary of the Treasury, and the proposed operations of officers who have not submitted their estimates for the month of December. It is therefore only approximate, but as near as can be ascertained at present.

Very respectfully, your obedient servant,

J. F. GILMER,
Major-General and Chief of Bureau.

WAR DEPARTMENT, NITER AND MINING BUREAU,
Richmond, December 29, 1864.

Hon. J. A. CAMPBELL,
Assistant Secretary of War:

SIR: I have the honor to report that the sum of $5,600,000 will be necessary to meet arrearages due by this department.

Very respectfully, your obedient servant,

RICHARD MORTON,
Lieutenant-Colonel and Acting Chief of Bureau.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 30, 1864.

Maj. Gen. HOWELL COBB:

GENERAL: Permit me to urge your special attention to the enforcement of conscription in your State. I fear that the withdrawal of Colonel Browne for the command of the local brigade, operating now in South Carolina, may cause some relaxation of effort on the part of enrolling officers in your State. since the supervision of them and of the details of the conscript service has, I presume, been for some months past mainly exercised by him. I know that you have many other arduous duties, especially under the present circumstances of the war and its recent ravages in Georgia, but there are really none of such immediate and vital importance as those which minister to the recruitment of our armies. The President takes a special interest on this subject, and shares a belief common with many that considerable numbers of men liable to conscription have not yet been reached by its operation in your State. I hope this may prove correct, and that through your efficient efforts they may be speedily placed in the field, where they are so much wanted.

I should be pleased to have your views as to the prospects from this quarter, as likewise your counsel as to any other possible mode of recruiting our armies. Soldiers are our greatest necessity. What is your opinion as to the practicability and policy of employing negroes as soldiers; and if to be resorted to, should they be held as slaves, be promised emancipation, or be at once freed? This is a question of the gravest import in every aspect, and the opinions of one whose judgment is so justly valued would be highly appreciated by,

Yours, truly,

JAMES A. SEDDON,
Secretary of War.

SPECIAL ORDERS, No. 309. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, December 30, 1864.*

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XXXIII. The following schedule of prices for articles named therein, adopted by commissioners appointed pursuant to law for the State of Virginia, are published for the information of all concerned, and the special attention of officers and agents of the Government is directed thereto:

RICHMOND, VA., *December 3, 1864.*

Hon. JAMES A. SEDDON:

SIR: Upon consultation we have concluded to readopt for December and January our last schedules for October and November, thus continuing the same rates, with a few exceptions, relative to the prices to be paid for hired negro laborers. These changes will be found in Schedule B. The policy you proposed for impressing from producers only one-half of their surplus productions is eminently proper, and all impressing officers should scrupulously observe the rule and never go beyond it. If this rule is strictly adhered to by impressing officers it would greatly benefit the non-producers and tend to reconcile the producing classes to whatever appeared harsh in our system of impressments, for they would have one-half or their surplus productions to dispose of at neighborhood market rates.

As requested by your Department, we conferred with commissioners of North Carolina, and had the good fortune to adjust prices upon a basis calculated to harmonize the leading interest of both States. The just and enlightened views entertained by the North Carolina commissioners were practically illustrated by the liberal spirit and wise terms upon which they agreed to co-operate with us. In this revolutionary crisis we should all agree to aid each other and the Government. To rescue the country and save the people from the dangers that environ both is clearly the duty of all. Our honor, rights, and independence are at stake. Let us bend all our energies to defend and secure them. To attain this invaluable end the people must be fed and clothed. Our producers, manufacturers, and tradesmen certainly can afford to work for moderate compensation while our gallant soldiers dare to confront our savage adversaries in their defense. Certainly if our brave men throw their protecting arms around our family altars and gallantly defend their country for a sum too insignificant to mention, those who remain at home enjoying the benefit of their valor can afford to feed them and their families on the most moderate terms. The question should be, How little will you ask or take for your productions? Fidelity to all the best interests of our country points to tne observance of this maxim as the best test of our charity and patriotism. Let the watchword be everything for our country and away with money-making. In this final and desperate struggle for liberty beware lest in hoarding up money and neglecting the cause of the people you exchange your birthright for a mess of pottage. Believing that our cause appeals to all parties and interests alike, we trust the people will unite and act in concert in achieving our independence. What we will to do we can accomplish. United we are invincible—triumphant, what a glorious destiny opens to our view; conquered, how abject and forlorn our condition. Who, under existing circumstances, is not willing to sacrifice a few paper dollars to gain the most enviable victory that civilization ever witnessed?

Entertaining the conviction that the popular mind is favorable to every effort calculated to advance the success of our cause, we venture to place before you the annexed schedules of prices for the months of December and January, which, though imperfect, because there are so many and such varied views and interests to harmonize, yet we indulge the hope may be properly received by the people.

The following prices are to be the maximum rates to be paid for the articles impressed in all cities and the usual place of sale, and when impressed on the farms or elsewhere the same prices are to be paid.

Under existing circumstances we deem it not only just, but most likely to favor increased production, that producers in future should not be required to transport their surplus productions when impressed, but that the agents of the Government should impress or employ the neighborhood or county wagons and teams to haul such articles and so divide the work between the owners of wagons and teams as to be least prejudicial to those successfully engaged in agriculture.

SCHEDULE A.

No.	Articles.	Quality.	Description.	Quantity.	Price.
1	Wheat	Prime	White or red	Per bushel of 60 pounds.	$7.50
2	Flour	Good, fine		Per barrel of 196 pounds.	33.00
2	do	Superfine		do	37.50
2	do	Extra superfine		do	39.75
2	do	Family		do	42.00
3	Corn	Prime	White or yellow	Per bushel of 56 pounds.	5.00
4	Corn-meal	Good		Per bushel of 50 pounds.	5.20
5	Rye	Prime		Per bushel of 56 pounds.	5.00
6	Cleaned oats	do		Per bushel of 32 pounds.	4.00
7	Wheat bran	Good		Per bushel of 17 pounds.	.75
8	Shorts	do		Per bushel of 22 pounds.	1.05
9	Brown stuff	do		Per bushel of 28 pounds.	1.35
10	Ship stuff	do		Per bushel of 37 pounds.	2.10
11	Bacon	do	Hog round	Per pound	2.75
12	Pork, salt	do		do	2.30
13	Pork, fresh	Fat and good		Per pound, net weight	1 82
14	Lard	Good		do	2.75
15	Horses and mules	First class	Artillery, &c	Average price per head	800.00
16	Wool	Fair or merino	Washed	Per pound	8 00
17	do	do	Unwashed	do	6.00
18	Peas	Good		Per bushel	5.00
19	Beans	do		do	5.00
20	Potatoes	do	Irish	do	4.00
21	do	do	Sweet	do	4.00
22	Onions	do		do	8.00
23	Dried peaches	do	Peeled	do	8.00
24	do	do	Unpeeled	do	4.50
25	Dried apples	do	Peeled	do	5.00
26	Hay, baled	do	Timothy or clover	Per 100 pounds	3.90
27	do	do	Orchard or herd grass.	do	3.90
28	Hay, unbaled	do	do	do	3.00
29	Sheaf oats, baled	do		do	5.25
30	Sheaf oats, unbaled	do		do	4.75
31	Blade fodder, baled	do		do	3.90
32	Blade fodder, unbaled.	do		do	3.00
33	Shucks, baled	do		do	2.60
34	Shucks, unbaled	do		do	1.70
35	Wheat straw, baled	do		do	2.20
36	Wheat straw, unbaled.	do		do	1.30
37	Pasturage	do	Interior	Per head per month	3.00
38	do	Superior	do	do	4.00
39	do	First rate	do	do	5.00
40	do	Good	Near cities	do	5.00
41	do	Superior	do	do	6.00
42	do	First rate	do	do	7.00
43	Salt	Good		Per bushel of 50 pounds.	5.00
44	Soap	do		Per pound	1.00
45	Candles	do	Tallow	do	3.00
46	Vinegar	do	Cider	Per gallon	2.00
47	Whisky	do	Trade	do	10.00
48	Sugar	do	Brown	Per pound	3.00
49	Molasses	do	New Orleans	Per gallon	25.00
50	Rice	do		Per pound	.50
51	Coffee	do	Rio	do	3.00
52	Tea	do	Trade	do	7.00
53	Vinegar	do	Manufactured	Per gallon	1.00
54	Pig-iron	do	No. 1 quality	Per ton	350.00
55	do	do	No. 2 quality	do	314.00
56	do	do	No. 3 quality	do	278.00
57	Bloom iron	do		do	710.00
58	Smith's iron	do	Round, plate, or bar	do	1,030.00
59	Railroad iron	Serviceable		do	400.00
60	Leather	Good	Harness	Per pound	3.90
61	do	do	Sole	do	3.60
62	do	do	Upper	do	4.20
63	Beef-cattle	do	Gross weight	Per 100 pounds	30.00
64	do	Superior	do	do	35.00
65	do	First rate	do	do	40.00
66	Salt beef	Good		Per pound, net	1.50
67	Sheep	Fair		Per head	35.00
68	Army woolen cloth, 3-4 yard.	Good	10 ounces per yard	Per yard	5.00
69	do	do			(a)
70	Army woolen cloth, 6-4.	do	20 ounces per yard		10.00
71	do	do			(a)

a Pro rata as to greater or less width or weight.

SCHEDULE A—Continued.

No.	Article.	Quality.	Description.	Quantity.	Price.
72	Flannels, 3-4	Good	6 ounces per yard	Per yard	$4.00
73	Cotton shirtings, 3-4	do	4½ yards to pound	do	1.11
74	Cotton shirtings, 7-8	do	3⅝ yards to pound	do	1.35
75	Cotton sheetings, 4-4	do	3 yards to pound	do	1.75
76	Osnaburgs, 3-4	do	6 ounces per yard	do	1.50
77	Osnaburgs, 7-8	do	8 ounces per yard	do	1.93
78	Osnaburg tent cloths	do	10 ounces per yard	do	2.53
79					(a)
80	Army shoes	Good		Per pair	15.00
81	Shoe thread	do		Per pound	3.00
82	Wool socks, for men	do		Per pair	2.00
83	Corn-top fodder, baled.	do		Per 100 pounds	2.40
84	Corn-top fodder, unbaled.	do		do	1.50
85	Wheat chaff, baled	do		do	2.40
86	Wheat chaff, unbaled.	do		do	1.50
87	Sorghum molasses	First quality		Per gallon	8.00
88	Pasturage for sheep	Good	Interior	Per head	.40
89	do	Superior	do	do	.50
90	do	First rate	do	do	.60
91	Apple brandy			Per gallon	10.00
92	Peach brandy			do	10.00
93	Butter	Good		Per pound	5.00

a On the above enumerated cotton cloths pro rata as to greater or less width or weight.

In assessing the value of first-class artillery and wagon horses and mules at $800, we designed that the terms should be accepted and acted upon according to its obvious common-sense import. In other words, that they should be selected and then impressed accordingly as their working qualities and adaptation to army service, together with their intrinsic value, would warrant a judicious purchaser in considering them as coming within the contemplation of the commissioners when they assessed the average value of such horses as the Government needed at $800. But cases might arise, however, when the public exigencies would be so urgent as to demand that all horses at hand should be impressed; yet under ordinary circumstances, when family or extra-blooded horses or brood mares of admitted high value are impressed, we respectfully suggest to the Secretary of War to have instructions forwarded to the impressing officers to propose and allow the owners to substitute in their stead such strong, sound, and serviceable horses or mules as shall be considered and valued by competent and disinterested parties as first-class artillery horses or first-class wagon mules.

The term average value per head is in contradistinction to a fixed and uniform price for each horse or mule. We suppose that in impressing a number of horses or mules, whether owned by several persons or one individual, that some might be estimated at $600, and others at different advanced rates, according to their worth, up as high as $1,000, thus making an average value or price for a number of good, sound, and efficient horses or mules $800 each.

In illustration of our views, we will add, that a horse with only one eye sound might, in all other respects, be classed as a first-class artillery horse, yet the loss of one eye would justly and considerably curtail his value. So a horse from ten to eighteen years of age might be deemed in all other particulars as a first-class artillery horse, but of course, however efficient and able to render good service for a year or two, yet his advanced age would justly and materially impair his value. Any horse, however he may approximate the standard of a first-class artillery horse, must, according to deficiency, fall below the maximum price; and as few comparatively come up to the standard, and are therefore entitled to the maximum price, so of course in all other instances the price should be proportionately reduced, as imperfections place them below the standard of first class, &c.

The first quality of sorghum molasses is of the consistency of honey and free from all acidity to the taste; but second and inferior qualities of molasses should be reduced in price from 10 to 20 per cent. accordingly as they shall fall below the standard of first quality.

SCHEDULE B.—*Hire of labor, teams, wagons, and drivers.*

		Quantity and time.	Price.
1	Baling long forage	Per 100 pounds	$0.90
2	Shelling and bagging corn; sacks furnished by Government	Per 56 pounds	.05
3	Hauling	Per cwt. per mile.	.08
4	Hauling grain	Per bushel per mile.	.04
5	Hire of 2-horse team, wagon, and driver; rations furnished by owner.	Per day	10.00
6	Hire of same; rations furnished by Government	do	5.00
7	Hire of 4-horse team, wagon, and driver; rations furnished by owner.	do	13.00
8	Hire of same; rations furnished by Government	do	6.50
9	Hire of 6-horse team, wagon, and driver; rations furnished by owner.	do	16.00
10	Hire of same; rations furnished by Government	do	8.00
11	Hire of laborer; rations furnished by owner	do	5.00
12	Hire of same; rations furnished by Government	do	2.50
13	Hire of same; rations and clothing furnished by owner	Per month	100.00
14	Hire of same; rations and clothing furnished by Government	do	75.00
15	Hire of teamster; rations furnished by Government	do	75.00
16	Hire of laborer; clothing and rations furnished by Government	Per year	500.00
17	Hire of ox-cart, team, and driver; rations furnished by owner	Per day	10.00
18	Hire of same; rations furnished by Government	do	5.00

REVISION OF THE SCHEDULES OF FEBRUARY AND MARCH LAST.

Since the adoption of our schedules for the months of February and March last the financial bills passed by Congress, taxing the currency, have seriously impaired the value of the old issues of Confederate Treasury notes. At this juncture large numbers of horses and mules were impressed and paid for in a currency which was a few days thereafter to be taxed 33⅓ per cent.

The Board of State Commissioners having adjourned, and one of its members being out of the State, it could not be convened in time to review our schedule of prices. Under this state of facts we have re-examined and rearranged our tariff of prices, so far as we have been advised of recent impressments, proposing, in this mode, to remedy any diminution of valuation which may have resulted from the action of Congress upon the currency. Therefore we assess the average value of artillery or wagon horses or mules, impressed since the passage of the currency bill of the 17th of February last, at $600. This award will entitle each person to receive higher compensation accordingly as each horse or mule recently impressed may be considered as being a first, second, or third class artillery or wagon horse or mule, whether the parties appeal to our Board or not; and the impressing officers and agents should forthwith call on all those persons of whom they impressed horses or mules and propose a settlement on the foregoing basis, but allowing to each person only such prices as first, second, or third class artillery or wagon horses or mules may have been estimated at by the local or county appraisers, assuming our average appraisement of $600 as a fair medium of valuation. This, then, would allow a maximum price of $800, and a minimum price of $400, making $600 the average price—thus allowing more for first-class horses or mules, and proportionately less for the inferior, as they may fall below the grade of first class. The county appraisement will be the guide in making these settlements, but within the limits of our maximum price of $800 and our minimum price of $400. This plan, perhaps, would be most satisfactory to the people, for whatever price the county appraisers agreed upon should be deemed fair within the range of our minimum price of $400 and our maximum price of $800, payment of whatever amount awarded to be made in the new issues of Treasury notes.

The impressing officers in those instances where there were no arbitrators or local appraisements for horses or mules impressed should in all such cases themselves re-estimate the value of horses or mules thus impressed, and allow in each case such additional compensation as would, within the limits of our schedule rates, appear just and proper. But if, after this revaluation and settlement, any person should not be satisfied, the party could then appeal to our Board and have the case reconsidered.

All appeals and communications should be addressed, post-paid, Mr. D. K. Whitaker, secretary of the Board, box 995, Richmond post-office, Va., and who may be consulted at his office in the department of the Quartermaster-General.

The next meeting of the Board will be held on Tuesday, the 31st day of January next.

E. W. HUBARD,
ROBT. GIBBONEY,
Commissioners for Virginia.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., December 31, 1864.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I am directed by the Secretary of War to inform you that the Senate has adopted in secret session a resolution inquiring as to the condition of the Army and the probability of recruiting the same, and to request that you will confer with him at once relative to the response to be made. It is important that the information should be furnished as soon as practicable.

Very respectfully, your obedient servant,

V. E. SHEPHERD.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ORDNANCE BUREAU,
Richmond, December 31, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In reply to your inquiry for information as to the means of supplying munitions of war, "confining the answer to the munitions" furnished by this Bureau to the cis-Mississippi, I have the honor to state, first, as to arms: There are enough arms on hand of a mixed character—that is, arms most of which are not as good as those now in the hands of troops in the field—to arm and equip some additional force. The returns of November, 1864, showed on hand at the various arsenals and depots:

Rifles of caliber .58	3,882
Rifles of caliber .54	2,759
Smooth-bore muskets .69	3,564
Smooth-bore muskets .75	636
All other infantry arms	10,504
Carbines	2,596

This amount can be probably increased by 10,000 or 12,000 by a vigorous system of collecting the arms scattered about through the country.

IMPORTATIONS.

We have hitherto had no difficulty in importing arms through the blockaded sea-ports. The total importations for the year have been:

Rifles	39,798
Pistols	1,716
Carbines	4,740

The want of funds necessary to purchase has greatly limited the importations of the expiring year. There are probably not more than 10,000 or 12,000 on the islands awaiting shipment.

MANUFACTURED.

The number of arms manufactured and made up of parts derived from capture and other sources for the year ending November 30, 1864, were:

Rifles, caliber .58	12,778
Carbines	5,354
Pistols	2,353

There is machinery enough under the control of this Bureau to manufacture 55,000 rifles and carbines per annum, provided a sufficient mechanical force be employed as follows:

Armory.	Number of rifles.	Number of workmen.
Richmond	25,000	450
Fayetteville	10,000	250
Columbia, S. C	4,000	125
Athens, Ga	10,000	250
Tallassee, Ala	a6,000	150
Total	55,000	1,225

a Carbines.

The proviso is the workmen, and these must be permanently attached to those establishments and excused from the performance of all military duties, except perhaps local guard duty. The number actually employed is about 425, about 300 less than were employed, say twelve months since. Defection from service in the local forces and losses on the battle-field have thus greatly reduced our force of workmen.

By General Orders, No. 82, over 700 men were placed in the ranks; of these perhaps one-half were competent mechanics, many of them valuable for the service of the armories. The product could not at once be raised to the maximum figures above indicated, but could, with the 800 additional workmen, be so raised, allowing for the time it would take to teach and organize them.

For our cavalry arms we have chiefly to rely on importations, although pistols are being made at several points with success. Want of workmen alone prevents additional results. Sabers can be produced in sufficient numbers, and of pretty good quality, by the detail of a very few workmen from the field.

POWDER.

The manufacturing capacity at the disposal of the Bureau is ample for all purposes, viz:

		Pounds.
Augusta mills	per day	5,000
Selma mills	do	500
Raleigh mills	do	600
Richmond mills (in a few weeks)	do	1,500
Total		7,600

There is, besides, a private mill at Charlotte, N. C., and an excellent mill belonging to the Navy Department at Columbia, S. C. The products could be nearly doubled by running the mills day and night. The quantity of small-arm ammunition in the hands of troops in the

field is about eighty to ninety rounds to the man. The most obstinate and protracted battles, such as Chancellorsville and Gettysburg, exhibit an expenditure of about twenty-five rounds per man for the former battle, and about thirty rounds per man for the latter.

The quantity of small-arm ammunition on hand at the several arsenals and depots shows an aggregate of 5,376,034 small-arm cartridges on the 12th of November. There are 50,480 rounds of siege and sea-coast projectiles, and 133,962 rounds of field-artillery ammunition on hand same date. No uneasiness is felt on this head, provided the supply of powder (dependent on saltpeter) is kept up. As to the means of keeping up the supply of saltpeter and the data in reference to production and importation, I beg leave to refer you to the Niter and Mining Bureau.

LEAD.

The supply of lead is derived from importation and the Wytheville lead mines. The other mines are insignificant, though the whole mineral region has been explored. Should Wilmington be closed and the Wytheville mines captured the Army could not be supplied with ammunition on the present scale; though the Bureau would not even then despair of opening avenues of supply for a reduced scale of operations.

OTHER SUPPLIES.

Copper, steel, &c.: These articles must be obtained chiefly from abroad, and the stock on hand is very small. The Bureau is constantly making substitutes of iron in every possible way to diminish the consumption and eke out the supply.

Leather must be imported to some extent by this Bureau, as it has yielded its claim on hides obtained from the Army to the Quartermaster's Department, in order that the soldiers may be shod. While the supply is scant, there is no absolute deficiency of material. There is, however, a deficiency of accouterments very damaging to ammunition, because workmen were taken from their benches to fill the trenches about Richmond, and are in part still detained there. The chief detriment the operations of the Bureau have had has arisen from interference with its workmen for military purposes.

J. GORGAS,
Brigadier-General and Chief of Ordnance.

Statement of funds expended and required for the support of the conscript service to 31st day of December, 1864.

States.	Amount drawn.	Balance on hand.	Amount required.	Total amount.
Bureau	$58,730.00			$58,730.00
Virginia	350,000.00	$146,888.81	$30,000.00	233,111.19
North Carolina	134,829.52		39,394.53	174,224.05
South Carolina	127,288.21		50,000.00	177,288.21
Florida	118,144.00			118,144.00
Louisiana	27,700.00			27,700.00
Mississippi	203,590.00		42,000.00	245,590.00
Georgia	256,000.00			256,000.00
Alabama	420,000.00		118,000.00	538,000.00
Tennessee and East Kentucky	87,384.00		11,644.00	99,028.00
Total	1,783,665.73	146,888.81	291,038.53	1,927,815.45

GEO. F. MAYNARD,
Major and Quartermaster.

Consolidated abstract from returns of the Confederate Army on or about December 31, 1864.

[Compiled from such returns as are on file in the War Department.]

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.	Date of return.
	Officers.	Men.			
Army of Northern Virginia *a* (Lee)	.....	60,334	71,854	150,373	Dec. 31, 1864
Department of Western Virginia and East Tennessee (Breckinridge).	333	3,062	3,782	7,138	Nov. 10, 1864
Department of Richmond (Ewell)	373	4,985	6,658	16,601	Dec. 30, 1864
Department of North Carolina *b* (Bragg)	423	6,327	7,539	11,916	Jan. 31, 1865
Department of South Carolina, Georgia, and Florida (Hardee).	746	11,309	14,680	21,678	Nov. 20, 1864
Wheeler's cavalry division in South Carolina	.....	4,919	6,356	6,944	Jan. 2, 1865
Army of Tennessee *c* (Hood)	1,795	16,913	25,053	77,366	Jan. 20, 1865
Department of Alabama, Mississippi, and East Louisiana (Taylor).	1,381	10,459	15,592	32,148	Dec. 1, 1864
Western District of North Carolina (Martin)	96	1,216	1,448	2,226	Dec. 18, 1864
Trans-Mississippi Department *d* (E. K. Smith)	2,132	28,107	43,054	74,397	Dec. 31, 1864
Total	7,279	147,631	196,016	400,787	

a Including the Valley District, under Early. The officers and men are not reported separately under the head of "present for duty."

b Less Hoke's division, already accounted for in the Army of Northern Virginia December 31, 1864, with an aggregate "present and absent" of 11,891.

c Exclusive of Forrest's cavalry, not reported.

d With incomplete returns from Churchill's and Parsons' divisions, and no returns from Marmaduke's and Fagan's divisions. The latter two divisions were estimated at about 3,500 effective.

C. S. Niter and Mining Bureau.—Iron return from January 1, 1863, to January 1, 1865.

State.	Forceemployed.			Returns of iron received by bureau officers (in tons).					
	White.		Slaves and free negroes.	Receipts during first, second, third, and fourth quarters, 1864.					
	Reserves.	Conscripts.		Pig (2,240 pounds).	Bloom (2,000 pounds).	Rolled (2,000 pounds).	Hammered (2,000 pounds).	Skelp (2,000 pounds).	Scrap (2,240 pounds).
Virginia *a*	90	751	941	2,388.8	143.3	348.4	217.3	1	465.8
North Carolina	3	227	448	716.0	407.5	71.0	107.0	.....	.....
South Carolina *b*	....	83	166	20.0	.....	150.0	.....	.....	.....
Alabama *b*	58	322	2,252	4,866.0	22.0	1,047.7	7.6	.....	.....
Georgia *c*	....	....	.....	.....	.....	.....	.....	.....	.....
Mississippi	....	....	.....	.....	.....	.....	.....	.....	.....
Tennessee *d*	....	269	.....	43.4	.....	8.9	40.0	.....	.....
Trans-Mississippi *e*	....	....	.....	.....	.....	.....	.....	.....	.....
Total	....	....	.....	8,034.2	572.8	1,626.0	371.9	1	465.8

a A large portion of the Virginia conscript force was for a long time in the lines of the enemy, being cut off by their advance down the Valley while the furnaces were in blast. Ten of the furnaces having been burned, much of this force is still employed in the work of rebuilding.

b No returns from South Carolina and Alabama for the fourth quarter owing to the interruptions of communication.

c Georgia works destroyed by the enemy. The railroad tracks being taken up under General Beauregard's order, the work of rebuilding is prevented.

d No yield in Tennessee in the last quarter, the entire force having been kept in the field.

e Returns not received. Two furnaces in blast.

C. S. Niter and Mining Bureau.—Iron return from January 1, 1863, to January 1, 1865—Continued.

State.	Returns of iron received by bureau officers (in tons). Total receipts to date. Pig (2,240 pounds).	Bloom (2,000 pounds).	Rolled (2,000 pounds).	Hammered (2,000 pounds).	Skelp (2,000 pounds).	Scrap (2,240 pounds).
Virginia *a*	8,020.5	418.4	2,139.6	225.4	7.4	1,076.2
North Carolina	1,023.0	692.6	71.0	162.6	.....	.....
South Carolina *b*	20.0	.....	150.0	.....	.....	.....
Alabama *b*	10,230.1	22.0	2,124.7	28.2	.....	.....
Georgia *c*	.....	.....	485.4	.....	.....	.....
Mississippi	.....	.....	.....	.....	.....	.....
Tennessee *d*	245.0	.....	8.9	40.0	.....	.....
Trans-Mississippi *e*	.....	.....	.....	.....	.....	.....
Total	19,538.6	1,133.0	4,979.6	456.2	7.4	1,076.2

a A large portion of the Virginia conscript force was for a long time in the lines of the enemy, being cut off by their advance down the Valley while the furnaces were in blast. Ten of the furnaces having been burned, much of this force is still employed in the work of rebuilding.

b No returns from South Carolina and Alabama for the fourth quarter owing to the interruptions of communication.

c Georgia works destroyed by the enemy. The railroad tracks being taken up under General Beauregard's order, the work of rebuilding is prevented.

d No yield in Tennessee in the last quarter, the entire force having been kept in the field.

e Returns not received. Two furnaces in blast.

OTHER METALS.

Metal.	Whence obtained and remarks.	Quantity.
		Pounds.
Copper	Chiefly from Ducktown mines, now in the hands of the enemy	746,805.0
	Collections of scrap copper in last quarter	50,336.0
	Importations to date	31,208.7
	Total	828,349.7
Lead	From Wytheville mines, last quarter	226,360.0
	From Wytheville mines and Silver Hill Mine, N. C., previously	1,610,264.0
	Total to date	1,836,624.0
	Trans-Mississippi Department (pig-lead, scrap, and Mexican, included with Arkansas lead):	
	Returns up to September 30 only	390,587.0
	Scrap lead collected	658,320.0
	Total amount produced in Confederate States	2,885,531.0
	Imported 18,353 pigs and 7,450 bars lead, averaging—pigs, 100 pounds; bars, 10 pounds.	1,909,800.0
	Total	4,795,331.0

Zinc.—Furnace was in operation at Petersburg; work suspended because of proximity of the enemy. As soon as the weather moderates the works will again be put in operation in North Carolina. Collections of scrap zinc are meanwhile conducted throughout the country.

Sulphur.—The sulphur supply still holds out, but to guard against fire and other contingencies sulphur furnaces have been established and preparations made to bring the production up to 20,000 pounds per month.

Sulphuric acid.—Sulphuric acid chambers are in operation at Charlotte, N. C., with average yield of from 4,000 to 5,000 pounds per month.

Respectfully submitted.

RICHARD MORTON,
Lieutenant-Colonel and Acting Chief of Bureau.

HEADQUARTERS GEORGIA RESERVES AND
MILITARY DISTRICT OF GEORGIA,
Macon, Ga., January 2, 1865.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

I acknowledge the receipt of letters from your Department of the 27th of October (No. 1645), and 19th of December last (No. 1965), on the subject of the authority granted by me to Col. J. A. Glenn to raise a brigade of mounted men for the reserve force of this State. When the letter of the 27th of October was received the original paper was in the hands of Colonel Glenn, and he was immediately called upon to return it to these headquarters. He did not return it, however, until Sherman's army was on the march from Atlanta to this place. At the time I was in the field with the troops. All the papers of my office (in anticipation of an attack on this place) were put up for safety, and the accumulation was such that I have been able only recently to give my attention to those thus laid aside. This will account for the delay in answering your first letter. The second (of the 19th of December) has just reached me. Inclosed you will find the original application of Colonel Glenn, with the indorsement made by my authority. This is the only authority granted by me, and constitutes all my action on the subject, except my refusal to allow my companies or other organizations to go into camp until the minimum number required by law should be reported on the muster-roll, and the additional injunction that none would be permitted to join any company who were liable to conscription, or who were deserters or absentees from other commands. When the movement of Sherman from Atlanta became evident I consented that he should collect his men at Athens, and allowed him a limited number of days to effect it. I have ordered an inspection of the troops assembled at Athens to be had by one of my staff officers on the 16th of this month, with full instructions for purging the rolls and organizing whatever men may be there into proper commands.

I desire to call your attention to the fact that I had no power to grant any authority beyond what is contained in my indorsement, and that is simply a statement that I will receive such companies of reserves and non-conscripts as may be offered. My object was to get as many men into the service as practicable from that section of the State—particularly that was then in the occupancy of the enemy. I knew Colonel Glenn by reputation as a brave soldier, but was not at the time aware of the proceedings of a court-martial against him, of which I have since heard, and which is of file in your Department. I have endeavored to place before you as succinctly as possible all the facts within my knowledge.

I inclose copies of two letters addressed to Colonel Glenn from this office.

I am, very respectfully yours, &c.,

HOWELL COBB,
Major-General, Commanding.

[First indorsement.]

To Adjutant-General for examination and report.

J. A. S.,
Secretary of War.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
January 23, 1865.

Respectfully returned to the Secretary of War.

The letter of Major-General Cobb dated January 2, 1865, is in answer to letters to him from this office asking what authority had been given to Jesse A. Glenn to raise a brigade of cavalry from Georgia Reserves. These inquiries were made in accordance with the indorsement of the Honorable Secretary 19th of October, 1864, on papers herewith returned. It appears from Major-General Cobb's report that no authority has been given to Jesse A. Glenn to raise the proposed brigade. A letter from this office was addressed to him October 27, 1864, giving the instructions required by the latter part of the Honorable Secretary's indorsement. Major-General Cobb states that he has ordered a careful inspection and muster of the mounted men raised, to take place 16th of January, 1865.

By order, &c.:

JNO. BLAIR HOGE,
Assistant Adjutant-General.

[Third indorsement.]

JANUARY 27, 1865.

ADJUTANT-GENERAL:

The late conduct of this officer in breaking up a public meeting of citizens in Georgia, assembled to instruct their representatives, was so unadvised and improper as to make the revocation of any informal authority he may have necessary. So instruct General Cobb.

J. A. S.,
Secretary.

[Inclosure No. 1.]

GREENSBOROUGH, GA., *June 27, 1864.*

His Excellency President DAVIS,
Richmond, Va.:

MR. PRESIDENT: I am satisfied I can raise a brigade of mounted men from the reserves and non-conscripts, if you will grant me authority to raise the brigade. I think I can enlist most of the men in North Georgia, in rear of our army. I respectfully refer you to recommendations in my favor for promotion now in the office of Secretary of War.

Very respectfully, your obedient servant,

JESSE A. GLENN.

[First indorsement.]

JULY 18, 1864.

Respectfully referred, by direction of the President, to the Honorable Secretary of War for attention.

J. C. IVES,
Colonel and Aide-de-Camp.

[Second indorsement.]

JULY 20, 1864.

ADJUTANT-GENERAL:

Refer to Major-General Cobb.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Third indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
July 23, 1864.

Respectfully referred to Maj. Gen. Howell Cobb, commanding reserve forces Georgia, for consideration and such action as he may deem expedient.

By command of the Secretary of War:

JNO. BLAIR HOGE,
Major and Assistant Adjutant-General.

[Fourth indorsement.]

HEADQUARTERS GEORGIA RESERVES,
Macon, August 5, 1864.

All the cavalry raised from the material of the reserve corps not in companies now in service will be received.

By command of Major-General Cobb:

LAMAR COBB,
Major and Assistant Adjutant-General.

[Inclosure No. 2.]

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., October 15, 1864.

JESSE A. GLENN,
Greensborough, Ga.:

SIR: Your favor of the 12th instant received, and in reply I am directed by Major-General Cobb to say that he has no authority to issue rations, or order them issued to you, until the muster-rolls of your command are forwarded. As soon as they are ready to be mustered in he will appoint a place for them to rendezvous, and then rations, &c., will be issued. Men are greatly needed now, and you will hurry forward your organization.

I am, sir, very respectfully, &c., your obedient servant,

LAMAR COBB,
Major and Assistant Adjutant-General.

[Inclosure No. 3.]

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., October 26, 1864.

JESSE A. GLENN,
Greensborough, Ga.:

SIR: Your letter of 20th instant received, and I am directed by General Cobb to say, in reply, that it is impossible to furnish you with muster-rolls at present. You will make out the rolls on informal ones, and when you rendezvous your command you can then have the proper ones furnished by the inspecting officer. The major-general

has been so much annoyed with companies below the minimum number that he directs me to warn you that he will receive no companies that do not have the minimum number present at the muster and inspection, and those that have not the minimum number will be disbanded and put in other companies. The enlistment of deserters is positively prohibited, and if presented will be turned over to their proper commands. You will rendezvous your command at as early a date as practicable at Griffin, Ga.; direct them to rendezvous as companies and not individually. There have been a good many complaints in regard to men representing themselves as belonging to Colonel Bryan's regiment. You will see that this is rectified.

I am, sir, very respectfully, &c., your obedient servant,

LAMAR COBB,
Major and Assistant Adjutant-General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 3, 1865.

Hon. J. S. DICKINSON,
Member of Congress:

SIR: I have examined the joint resolution of the Congress submitted by you to this Department. By the act of Congress of May 1, 1863, certain persons were exempted as overseers for the police and management of slaves on each farm or plantation, the sole property of a minor, a person of unsound mind, a *femme sole*, or person absent in the military service of the Confederacy on which there are twenty or more slaves. One of the conditions was that the sum of $500 should be paid annually during the exemption by the owners of the slaves for the persons so exempted. The tenth section of the military act of 17th of February last provided that all laws granting exemptions from military service be, and the same are hereby, repealed and hereafter none shall be exempted except those mentioned in that act. The first section of the act provides that all persons between the ages of seventeen and fifty (white men and residents) shall be in the military service for the war.

No provision was made in this act for the overseers who had been exempt under the act of May 1, 1863. This Department decided that under the military act of 17th of February last the exemption in favor of overseers could no longer be claimed. It directed that in making of details for agricultural purposes the fact that an overseer had been employed and the tax paid should be considered as an equitable circumstance, and if the plantation or farm on which he was provided a surplus, that he might be detailed for duty as an agriculturist. In some cases it has granted a furlough to the overseer till the expiration of his term.

The confusion that has been produced arises from the fact that many of the persons who paid the tax paid it in the latter part of 1863, or early in 1864, and they claim exemption from the date of this payment. But it is to be observed that in the most of these cases practically the exemption was operative from the date of the act of May, 1863, and only the payment deferred. The Conscription Bureau should have prescribed that the payment was for an exemption from 1st of May, 1863, to 1st of May, 1864.

No case has come to the knowledge of the Department in which more than one tax of $500 has been paid by any overseer. The num-

ber of cases in which overseers have been placed in service between 17th of February, 1864, and 1st of May, 1864, is not believed to be great. The only claim that the owner has is for a ratable proportion of the $500. The services of the overseer were rated at $500, and the measure of the damage is the loss of a part of that sum in the removal of the overseer. I see no just ground for the cancellation of the bonds under the act of 17th of February, 1864.

Very respectfully,

J. A. CAMPBELL,
Assistant Secretary of War.

[JANUARY 3, 1865.—For Davis to Seddon, in relation to recruiting in North Carolina west of the Blue Ridge, see Series I, Vol. XLVI, Part II, p. 1005.]

[JANUARY 3, 1865.—For Cooper to Seddon, in regard to the condition of the Army and the probabilities of its being recruited, see Series I, Vol. XLVI, Part II, p. 1007.]

MERIDIAN, MISS., *January 4, 1865.*

Hon. JEFFERSON DAVIS:

DEAR SIR: You appointed me the presiding judge of a military court designed for Major-General Lee's cavalry division, then in this State. Previous to the organization of the court the larger portion of that cavalry had been transferred to the Army of Tennessee. My court was retained by the then commanding general in Mississippi. Since that time there has been devolved upon it the general business of the department. The position is anomalous, and I ask that you give it more definiteness. There is no department court in the department that I know of, and I request that you appoint the court of which I am judge to the duties of that position. (Act May 1, 1863.) If there is any objection to the granting of this request, of which I am not advised, then I request that the court be appointed for the State of Mississippi under act of February 16, 1864. The public interest cannot be injured by a definite appointment to do what the court is already irregularly performing. It is not without question whether the court under its present status can legally try cases originating in the general operations of the department. Again, consistently with the duties of my position, I desire to remain during the ensuing year in Mississippi to assist, as far as I can, in strengthening the spirits of our people under the deep despondency which has settled upon them since our late reverses. You can hardly magnify their gloomy condition. I solicit your attention to the above requests

Yours, truly,

JAMES PHELAN.

[First indorsement.]

JANUARY 21, 1865.

Adjutant-General for remarks.

J. D.

[Second indorsement.]

FEBRUARY 9, 1865.

Respectfully returned to the President.

I can see no objection to the temporary assignment of this court for the State of Mississippi, and under all the circumstances I recommend such assignment.

S. COOPER,
Adjutant and Inspector General.

[Third indorsement.]

FEBRUARY 10, 1865.

ADJUTANT-GENERAL:

Is not the cavalry corps formerly commanded by General Lee now in Mississippi under General Taylor? It seems to me better to assign the court either to General Taylor's corps or to the division of cavalry in Mississippi rather than to make a temporary assignment.

J. D.

RICHMOND, VA., *January 5, 1865.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 2d ultimo, relative to the impressment of slaves, I herewith transmit a communication from the Secretary of War, which conveys all the information I have on the subject.

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, December 20, 1864.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received a resolution of the House of Representatives relative to the impressment of slaves, adopted on the 2d instant, a copy of which is herewith inclosed.

The superintendent of conscription, to whom the resolution was sent for report, furnishes in his reply copies of the orders issued by him on that subject, but states he is not in possession of the information demanded. Major-General Kemper, commanding the reserves, also makes a report as to the impressment of slaves in Virginia. Copies of both these letters are herewith transmitted, and furnish all the information at the command of this Department.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

[Sub-inclosure No. 1.]

CONFEDERATE STATES OF AMERICA, EXECUTIVE OFFICE,
Richmond, Va., December 5, 1864.

Honorable SECRETARY OF WAR:

SIR: I have the honor, by direction of the President, to forward for your attention and the proper action a copy of a resolution of the House of Representatives of the 2d instant, as follows:

RESOLUTION.

Resolved, That the President be directed to inform this House whether at this time there are in the employment of the Confederate States slaves impressed

exceeding one in five of the male slaves between the ages of eighteen and forty-five of one owner, and whether any slaves have been impressed and are now in service on a basis of calculation including female slaves between the ages of eighteen and forty-five; and if such impressments have been made, by what authority it has been done, and whether the credit directed to be allowed in the impressment of slaves by the provisions of the act of February 17, 1864, has been allowed.

Very respectfully, your obedient servant,
BURTON N. HARRISON,
Private Secretary.

[First indorsement.]

DECEMBER 16, 1864.

Major-General KEMPER:

Furnish as complete an answer as possible to this resolution.
By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Second indorsement

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
December 19, 1864.

Respectfully returned, inviting attention to inclosed report.*
J. L. KEMPER,
Major-General.

[Sub-inclosure No. 2.]

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
December 19, 1864.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: In compliance with the inclosed order of the Assistant Secretary of War, dated the 16th instant, I have the honor to report that the impressment of slaves in Virginia for twelve months' service has been conducted in strict conformity to the inclosed circular letter (marked A)—that is to say, the impressment has been apportioned ratably among all the slave-holders of each county so as to charge each slave-holder with the same proportion of his male slaves between the ages of eighteen and forty-five years capable of performing ordinary labor, but in no case has any one person contributed more than one out of five male slaves between the ages specified. It is true that by an error the impressment was begun in two counties of the State on a basis of calculation which included female slaves within the ages specified, but the error was promptly corrected, and the slaves thus improperly impressed were all released and restored to their owners.

I have the honor to be, very respectfully, your obedient servant,
J. L. KEMPER,
Major-General.

A.

CIRCULAR LETTER.] CONSCRIPT OFFICE,
Richmond, October —, 1864.

To ——— ———,
Enrolling Officer, ——— *County:*

Circular No. 70, from this office, is hereby revoked and the following is the apportionment of slaves to be taken from your county,

* Next, *post.*

under the provisions of Circular No. 69, Conscript Office, current series. Circular No. 69, Conscript Office, current series, is in full force.

County.	Slaves.

This requisition will be apportioned ratably among all the slave-holders in your county, so as to charge each slave-holder with the same proportion of his male slaves between the ages specified capable of performing ordinary labor, but in no case will this requisition take more than one out of five male slaves between the ages specified from any one person. Care should be taken that the slave impressed is able-bodied. These slaves must be collected and forwarded with the utmost possible expedition.

You will cause the advisory board of your county to use extraordinary diligence in the collection of these negroes, and forwarding them to Capt. W. H. Fry, adjutant of the post, at Camp Lee, with full descriptive list, giving the name of owner. Receipt should be taken in each case. It is suggested that the commissioners' books be taken as a guide.

By order of Lieut. Col. J. C. Shields:

_____ _____,
Lieutenant and Adjutant.

[Sub-inclosure No. 3.]

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., December 16, 1864.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: The following resolution of the House of Representatives has been referred to this Bureau for attention.*

The Bureau is not in possession of the information demanded by this resolution.

Only two impressments of slaves have been made by the direction of this Bureau.

The first was under your instructions of the 21st of September, ultimo, for 5,000 slaves from the State of Virginia, for service with the Army of Northern Virginia, for thirty days. The following direction was given to the commandant of conscripts for Virginia, by the Bureau, for the execution of your order:

SEPTEMBER 21.

Respectfully referred to Lieutenant-Colonel Shields, to take immediate steps for compliance with the within order of the Secretary of War. The urgency of the matter, as represented by General Lee, should cause the utmost promptitude. Return this paper for the files of this office.

The second was under your instructions of the 24th of September, ultimo, to procure negroes under the act of Congress of February 17, 1864, authorizing the employment of free negroes and slaves in certain capacities, to increase the efficiency of the Army. In communicating

*Embodied in Harrison to Secretary of War, p. 996.

these instructions to the generals of reserves the Bureau accompanied them with an order, of which the following is an extract:

SEPTEMBER 30.

GENERALS OF RESERVES:

Respectfully referred * * * to direct the officer of conscription to proceed immediately and with vigor to the completion of the enrollment of the free negroes in the State under your command, between the ages of eighteen and fifty, and to deal with them in accordance with the instructions herein contained. Enrolling officers will also be instructed to procure from the owner, by contract, as many of the slaves herein required from your State as can be obtained thereby, and to make the necessary arrangements to procure the deficit by impressment. If the Legislature of your State has passed any law for the collection of slaves for military service in the Confederate States, the Bureau desires to be immediately informed of its provisions. It is desired that the within instructions and the regulations that may be prepared by the Bureau or the general commanding, &c., and charged with the business of conscription for their enforcement, will not be published in any newspaper.

Under these orders no returns have yet been made to this Bureau, though repeatedly called for from the generals of reserves.

I have the honor to be, sir, your very respectful, obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

GENERAL ORDERS, No. 1. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, January 6, 1865.*

I. Soldiers furloughed, who fail on their return home to report to the nearest enrolling officer, as required by paragraph II, General Orders, No. 141, 1863, will forfeit their furloughs, be arrested by enrolling officers, and returned to their commands as absentees without leave. Commanding officers will express this requirement and penalty upon the face of all furloughs thus issued.

II. When extensions of leaves or furloughs shall have once been recommended, under paragraph II, General Orders, No. 157, 1863, examining boards will not recommend further extensions, except after a personal examination by one of the Board of the officer or soldier certified to be incapacitated for duty. Where, however, this is impracticable, the Board will call on the enrolling officer of the county, who will make the examination in person, or through a subordinate, and report to the Board the facts of the case—all of which will be embodied in the certificates of recommendation.

III. Soldiers incapacitated for active duty in one arm of the service, upon evidence of such disability, may be transferred by the general commanding the army or department to which they belong to that service they prefer and for which they are best fitted. Medical examining boards, before retiring or recommending for discharge disabled soldiers, will consider the degree of their disability, with the view to their transfer under this order.

IV. Persons holding appointments as chaplains and drill-masters in the Provisional Army of the Confederate States, or as cadets in the C. S. Army, will report without delay by letter to this office their present assignment to duty, and by what authority they are so assigned. Any future change in their assignment will in like manner be reported by them.

V. Plans for hospital buildings will be submitted, through medical directors, for the approval of the Surgeon-General.

VI. Commanders of armies and departments and officers of the Conscript Bureau will not molest employés of the tax-in-kind service, the officers of which will be held responsible that men between eighteen and forty-five years are not employed therein, unless they are exempt or detailed because of disability.

VII. To prevent the loss from disease of animals in the service, cavalry and other private animals will be included by inspectors of field transportation in their inspections. They will dispose of those affected with contagious diseases, as prescribed by paragraph 925, Army Regulations. Those otherwise unfit for present service will be mustered out by the inspectors, or, as they may elect, sent from the field, to be recruited with the public animals. Commanding officers are required to send from their commands animals not mustered into the service. Inspectors will report all cases in which this order is violated.

VIII. Generals commanding armies and departments will require company commanders to furnish descriptive lists to soldiers sent to hospitals.

IX. Sick or wounded soldiers in hospitals may be paid, as heretofore, four months' pay, if due, upon receipts supported by their affidavits, but company commanders will provide them with descriptive lists before they leave their commands, if it be possible; if otherwise, they will as soon thereafter as practicable forward such lists to the surgeon in charge of the hospitals of which the soldiers may be inmates.

X. Articles of clothing issued during the year to soldiers will be stated, with the prices annexed, on company muster-rolls, upon which annual settlements on clothing accounts are made.

XI. Payment of the bounty of $50, allowed by the act of Congress approved December 11, 1861, will not be paid to persons between seventeen and fifty years subject to conscription. It will be limited to those not liable to service, who enter the Army for the war as noncommissioned officers, musicians, or privates. All who enter the general service from the reserves must do so by transfer, and in no case will bounty be paid upon such transfers or enlistments.

XII. Quartermasters performing duty exclusively as paymasters will be under the control of chief quartermasters of armies or military departments. They will not be subject to orders from other quartermasters. If from any cause the paymaster of a corps or division is unable to discharge the duties appertaining to his office, the chief quartermaster of the army with which such corps or division may be serving will designate a quartermaster or an assistant quartermaster to perform such duty temporarily, in which event the name of the officer so assigned will be communicated to the Quartermaster-General.

By order:

S. COOPER,
Adjutant and Inspector General.

EXECUTIVE OFFICE,
Richmond, Va., January 6, 1865.

Hon. A. H. STEPHENS,
Vice-President of the Confederate States:

SIR: My recent illness and the arrearages of pressing business resulting therefrom have prevented an earlier answer to your letter

of the 13th ultimo. The letter is much longer than seems necessary for an answer to my simple inquiry, asking to be informed which of my acts you referred to when you stated in your publication that "judging from my acts" you should think I belonged to the "class" who preferred Lincoln to McClellan. I find on perusal that many pages are occupied with an exposition of your views of public policy and of the points of difference which you suppose to exist between us in relation to the conduct of public affairs. You must pardon me for declining to enter into any controversy on this subject. It does not appear to me to be useful nor becoming the two highest executive officers of the Government, especially when the country is engaged in a foreign war.

You confine yourself to "two points only" in your answer. Neither of them seems to me to have any bearing on the question addressed to you. First, my "action in regard to the case of David F. Cable." Your comments on this are very strange, and your statement of facts imperfect. I give the facts in order of date.

April 9 you wrote me on the subject of Cable. Your letter reached me, I believe, on the 14th. April 16 General Bragg was instructed to cause Cable to be examined by a discreet officer, and if his story was found true to parole him and send him to you. April 18 General Bragg issued an order to Col. J. P. Jones, assistant adjutant-general at Charleston, directing him to send Captain Hammond to make the examination, and if proper act on the suggestion of sending him to you. April 19 I answered your letter, informing you of what had been done and suggesting my doubt whether the representations of this prisoner were true. April 27, your letter to me (received on the 3d of May) you "would wait for Cable a few days, in case he shall be paroled," and then start for Richmond. May 7, your letter to me (received on 21st) you learned from correspondence with Colonel Persons, commanding prisoners' camp, that "there was no prospect of Cable being able to visit you for some time," and you expected to start for Richmond "day after to-morrow." In the meantime Grant crossed the Rapidan, the series of terrible battles on which the fate of Richmond depended were being fought; and as you announced that you were on the eve of starting for Richmond, I had no reason for answering your letters, as it was fair to presume my answers would not reach you. You, however, did not come to Richmond, and did not inform me of your change of purpose. July 5, your letter to me, received on the 16th of same month. Cable died on the 16th, but I was not aware of the fact. In your letter you inclosed one from Cable dated on 21st of June, expressed surprise that he had not been examined, and urged "prompt attention to the case." July 16 I ordered inquiry made as to the cause of the delay, and directed the Secretary of War "to give this matter attention." July 20 report received from General Bragg's headquarters. On inquiry of Captain Hammond it was learned that he had never received the order to make the examination; that the order was presumed to have been lost in the disturbance of mail communication by enemy's cavalry operations. July 21, letter to you by Assistant Secretary of War, explaining the miscarriage of General Bragg's order, and communicating report of Cable's death.

In addition to the above correspondence the following letters were written to you from Andersonville: July 2, General Winder, in answer to your letter to him of 27th of June, informed you that the examination had not been made, and said: "I will take pains to

inform myself as to the character of Mr. Cable, and will endeavor to give all the information to you about him that you desire." July 11 General Winder, in answer to your letter of 6th of July, again informs you that the examination by staff officer had not been made. "I presume the momentous events transpiring about Richmond have prevented it. I have taken some pains to inform myself about Mr. Cable and am satisfied that he would be a dangerous man to permit to go at large. I could not recommend that he be paroled." July 23 General Winder informed you that Cable "died a few days ago."

The above is, I believe, a sufficient statement of the facts. From them it appears that one of my "acts" from which you "judge" that I "preferred Lincoln to McClellan" was "my action" as above explained, in regard to a Yankee prisoner who died on the 16th of July, six weeks before McClellan was nominated as a candidate, six weeks before the platform of the Chicago Convention was framed, six weeks before anybody knew what candidate it would select or what principles it would announce. I make no comment on this.

But I cannot leave this point without remarking on the extraordinary inferences you are pleased to draw from what I omitted to say in my letter to you of the 19th of April, and the still more singular omission to draw the natural inference from what I did say. The "two things that struck you strange" were that I—

said not one word either approving or disapproving on the subject of the propriety of having the conference he (Cable) sought, or the nature or character of the assurance that should be given him on his being permitted to visit me. Not a word was said on the policy indicated in my letter of our aiding and encouraging as far as possible in bringing into power at the North a party upon the principles stated in my letter. Your views upon this subject I had requested in view of the probable conference. The other thing in the letter that struck me as strange was that you should have thought that any staff officer was more suitable or competent to make an investigation into the truth of the prisoner's statements than the second officer in the Government.

To the first of the "strange things" I will presently give answer. As to the second, it scarcely seems possible that you should take umbrage at my not assigning to you a duty which was the appropriate function of a subordinate officer of the inspection service. You wrote to me that "if Mr. Cable's statement be true (which might be easily ascertained), it would be proper to grant him a parole until he can be exchanged." You further said, "If he shall be paroled, and it meets your approval, I will invite him to my house and confer with him," &c. It was plain that you did not know the man, and therefore suggested that the truth of his statements should be ascertained before he was paroled, and that he should visit you for conference after he was paroled. If you had intimated any willingness to go to the prison and ascertain the truth for yourself, you might have been assured by the readiness with which I accepted your proposal to visit Mr. Lincoln that I could have had no possible objection; nor can I suppose that you deem a permission from me necessary to authorize you to visit any Yankee prisoner at his prison. You certainly did not, from your letter, contemplate that I should do so imprudent a thing as to parole this man to go at large before examination into his character was had, nor did you ask to see him before his parole was granted. This "strange thing" that you found in my letter of the 19th of April is as unintelligible to me now as it ever could have appeared strange to you.

What I did say was, "It so often has happened that prisoners make representations which do not accord with the facts, and it seemed to

me proper to make an inquiry into the case before action upon it." The plain inference that I took it for granted you would draw from this statement was that I did not believe the story of the prisoner; that I suspected it to be a trick to get out of prison, and I must confess that I wondered how you could attach any importance or credit to the tale of a man who was taken prisoner with the troops that had been sent to invade Florida from South Carolina coast, and who, notwithstanding his being captured in arms, represented himself as on a mission from the peace party of the Northwest. The report of General Winder shows that I was not mistaken in my estimate of the prisoner, and it was because I did not deem his tale at all probable, sir, that I judged it useless to enter into any exposition of the proper mode of treating with him until the result of the examination into his case was made known. This is my answer, and to the inferences that you draw from my omission to repeat to you in a private letter the desire that I had often publicly manifested for the only peace which we both declared to be possible, namely—peace with independence and eternal separation from the enemies whom, I doubt not, we equally desire to drive from our country.

Your second "point," sir, may be more summarily dismissed. I made a speech at Columbia, S. C., on the call of the citizens early in October last. Its contents I do not pretend accurately to remember, and I never saw a report of it until on receipt of your letter I caused search to be made for it, and it is now before me in the Charleston Mercury of the 7th of October.

You first say that you judged I "preferred Lincoln to McClellan" because in this speech I opposed the scheme of a convention of all the States, North and South, as a means of obtaining peace. I cannot spare the time to refute a conclusion so manifestly without warrant in the premises from which it is drawn. Your next reason, that "the tone and substance of your (my) speech there upon the subject of peace was, in short, that there was no prospect of peace but only by the sword; that a peace party of the North could only be made by a success of our armies over them;" that "the only way to make spaniels civil is to whip them." If my speech were really such as represented by you in this extract, if it had really been directed against the peace party at the North, this fact would not bear out your assertion that my "acts" showed a "preference for Lincoln over McClellan;" but my speech was not such as you represent it, and I now quote the passage from which you have torn a few words that form the latter half of a sentence. I said:

> Does any one believe that Yankees are to be conciliated by terms of concession? Does any man imagine that we can conquer the Yankees by retreating before them, or do you not all know that the only way to make spaniels civil is to whip them?

And toward the close of the speech I plainly intimated my desire for the success of the peace party in the following words:

> Let fresh victories crown our arms, and the peace party (if there be such) at the North can elect its candidates.

These passages must suffice without comment to satisfy any fair-judging man whether you have correctly stated its "tone and substance."

The truth is, sir, that your inferences from this speech are so strained and unnatural as to evince the difficulty you found in answering my simple question for a statement of any "acts" of mine on which you thought proper to base your published assertion.

The speech at Columbia in the report before me is an appeal to the people to trust to their own courage and fortitude for the maintenance of their rights. It was delivered after the publication of McClellan's letter avowing his purpose to force reunion by war if we declined reconstruction when offered, and therefore warned the people against delusive hopes of peace from any other influence than that to be exerted by the manifestation of an unconquerable spirit. There is nothing in the speech, as I now read it, that I would wish unsaid, and there is not in it the remotest allusion to a choice between Lincoln and McClellan. It does, however, contain denunciations of Lincoln, and no mention of McClellan is to be found in it.

I now say that, knowing I had never done an act nor uttered a word that could justify you in attributing to me a preference for Lincoln over McClellan, I addressed you my note of 21st of November in the hope that you would admit your mistake.

I must accept your letter of the 13th ultimo as a substantial admission that you have no just ground for your statement, though it would have been much more acceptable to me to find the admission made frankly instead of having to infer it from the unsubstantial character of the "points" on which you seek to base it.

I close by expressing regret that this correspondence should have been forced on me. I am aware that I was unfortunate enough to incur your disapproval of my policy. I should not, however, have departed from my rule of bearing all animadversion in silence, and leaving my defense to the future, if it had not seemed to me that a publication by the Vice-President, intended quite plainly to disparage me and to inspire distrust in me among the people, was calculated to do public injury. It was therefore necessary to show, as this correspondence has done, that your statement that you judged from my "acts" that "I preferred Lincoln to McClellan" was unfounded; and that you are equally without justification for the expression in the letter to which this is a reply, that you "could form no other conclusion" than that it was my intention in my remarks at Columbia to "strengthen" among the people of the North "the opponents of peace instead of its friends."

I have felt much reluctance in calling your attention to the subject, as my earnest wish is, if it be impossible to avert, at least to postpone to the close of the war all discussion or dispute with those who are united with me in a common hostility against the enemies of our country. I assure you that it would be to me a source of the sincerest pleasure to see you devoting your great and admitted ability exclusively to upholding the confidence and animating the spirit of the people to unconquerable resistance against their foes.

I am, very respectfully and truly, yours,

JEFFERSON DAVIS.

STATE OF SOUTH CAROLINA,
ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Columbia, S. C., January 6, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have been ordered by His Excellency the Governor of South Carolina to give you notice that under the third section of the act of the General Assembly of this State, entitled "An act to authorize the Governor to require the exemption of certain State officers and other

persons from Confederate service," and for the purposes of the said section of said act, he requires the exemption of the following persons for the proper police of the State:

Benjamin A. Andrews, Jones' company, Williams' battalion, Reserve Corps of the State.

Irvine Keith Heyward, Ashley Dragoons, Colcock's regiment South Carolina cavalry.

I am also directed by His Excellency to forward to you a copy of the act of the General Assembly referred to, which you will find herewith inclosed.*

I have the honor to be, very respectfully, your obedient servant,

A. C. GARLINGTON,
Adjutant and Inspector General of South Carolina.

[Indorsement.]

JANUARY 19, 1865.

ASSISTANT SECRETARY:

This claim of right to exempt soldiers in service cannot be conceded. Will you, if you concur, prepare a proper answer.

J. A. S.

PURCHASING OFFICE, FIRST DIVISION OF VIRGINIA,
Charlottesville, January 6, 1865.

Maj. R. W. N. NOLAND,
Chief Commissary of Subsistence, Second Dist. of Virginia:

MAJOR: Permit me respectfully to call your attention to a subject which needs immediate attention. The interest of the Government in the division under my charge is suffering incalculable injury for want of funds to relieve its indebtedness. I now owe $1,200,000. A great portion of this sum has been due since early last spring. During the past summer the railroad connections were cut by the enemy, and large supplies were promptly loaned by the people to sustain the Army in its emergency. From the exhausted condition of the country I have been unable to return a very large proportion of these borrowed stores. They have expressed a readiness to receive payment instead, yet in but few instances have I had it in my power even to do this, for want of funds. Whilst such delay naturally causes much dissatisfaction and want of confidence in those who have heretofore acted with patriotic energy in support of the Government, the future is more unpromising. The recent order to purchase at contract rates can avail little, with nothing to pay, and the impressing power useless for the same reason. Hence my position and that of my agents is painfully embarrassing. Our usefulness to the Government (by an increasing distrust on the part of the people in intentions to fulfill obligations) is seriously impaired. I therefore earnestly appeal in behalf of the interest of the Government, that of its people, and in justice to myself and agents, that funds be furnished to liquidate my present liabilities and prevent a future recurrence of this condition of affairs.

Respectfully, yours,

CHARLES S. TAYLOR,
Captain and Assistant Commissary of Subsistence.

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* See p. 980.

[First indorsement.]

The attention of the chief commissary of subsistence of Virginia is called to the inclosed letter of Captain Taylor. Have made repeated requisitions for funds to meet the indebtedness of the district, but these requisitions have never been fully met. I have hardly been furnished with an amount sufficient to defray current expenses, and thus the indebtedness of the district has increased, and loud complaints are constantly made against the agents of the Government for a non-compliance with their contracts. This condition of things has seriously interfered with purchases, and has prevented altogether, in several instances, impressment of subsistence that ought to have gone to the Army.

R. W. N. NOLAND,
Major and Chief Commissary of Subsistence, 2d Dist. of Virginia.

[Second indorsement.]

OFFICE CHIEF COMMISSARY OF SUBSISTENCE FOR VIRGINIA,
Richmond, January 23, 1865.

Respectfully referred to the Commissary-General of Subsistence for consideration and such reference as he may deem proper, and with the remark that there is no district or division in Virginia from which similar complaints are not made. We owe enormously, and until we pay this indebtedness we cannot purchase further.

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

HOUSE OF REPRESENTATIVES,
Richmond, Va., January 7, 1865.

[Hon. J. A. SEDDON,
Secretary of War:]

SIR: I wish to call your attention to a subject of great moment to the States of Florida and Georgia, and one that will have a favorable influence upon the Confederate Government itself. Savannah being now in the possession of the enemy, and likely to remain so—for I cannot see any immediate or remote prospect of relief, although there may be expectations in this respect not shared in by me, the value of which is well known to our authorities. But assuming, as I do, that Savannah is lost to us now for and during the war, it will be seen, then, that the long line of roadway reaching from Savannah to Thomasville is rendered useless to us, and will remain so for and during the war. The counties of Monroe, Lowndes, Brooks, Echols, and adjacent counties are rich and abound in subsistence stores, nearly the whole of which, with the supplies contained in the rich counties of Florida adjoining Georgia, will be lost to the Government if some way is not provided to secure its transportation. The nearest railroad connection is at Albany, Ga., the terminus of the Southwestern line of railroad. The distance from Thomasville to Albany, Ga., by the wagon road is about fifty-six miles. The country intermediate these points is low, flat, and sandy—not marshy. It is covered with a luxuriant growth of yellow pine. There will be but little heavy grading; the timber will be found by the road-side. I would recommend the building of a road from Albany to Thomasville at once.

The supply of iron could be obtained from the Savannah and Thomasville road, tearing up the rails at a point nearest Savannah and working west toward Thomasville until a sufficient number of rails were taken up. When finished we would have a line of railroad from Macon to Thomasville and beyond Valdosta, in Lowndes County, a distance from Thomasville east about seventy-five miles. This would connect with the Florida system of railroads by means of the Live Oak railroad, just on the eve of completion. Thus the stores from this rich country and a great part of Florida would at once seek an outlet over this line. The transportation of troops and munitions of war, as the theater of action is constricted, would of itself recommend the subject to your immediate and favorable consideration.

Respectfully, yours,

WM. E. SMITH,
Member of Congress from Georgia.

I concur in the foregoing views.

R. B. HILTON,
Member of Congress from Florida.

[Indorsement.]

ENGINEER BUREAU,
January 13, 1865.

Respectfully returned to the Honorable Secretary of War.

The connection of Albany with Thomasville, Ga., by rail would have many advantages, but the resources of the country will not justify undertaking a work of that magnitude at this time. One of the main supplies to be expected from Florida is beef. The cattle can be driven over that distance with less expense than they could be transported. The amount of corn in Southwest Georgia is greater than existing roads can transport. Troops going to and from Florida can be marched over the line proposed.

J. F. GILMER,
Major-General and Chief of Engineer Bureau.

RICHMOND, *January 7, 1865.*

General R. E. LEE:

DEAR GENERAL: I regret that in the succession of stirring events since the commencement of the present war I have had so little opportunity to renew our former, to me at least, exceedingly agreeable acquaintance, and particularly that I have so rarely if ever met with a suitable occasion to interchange views with you upon the important public questions which have been and still are pressing upon us with such intense interest.

It would have demanded, indeed, in view of the scarcely less than awful weight of care and responsibility Providence and your country have thrown upon you, and which you will pardon me for saying has been grandly met, no ordinarily favorable opportunity to have induced me to intrude upon your overburdened time and attention for such a purpose; and in approaching you now in this form upon a subject which I deem may prove of vital importance I offer no other apology than the momentous character of the issue forced upon the mind and heart of every Southern patriot.

I refer to the great question now stirring the public mind as to the expediency and propriety of bringing to bear against our relentless enemy the element of military strength supposed to be found in our negro population; in other words, and more precisely, the wisdom and sound policy, under existing circumstances, of converting such portions of this population as may be required into soldiers, to aid in maintaining our great struggle for independence and national existence.

The subject is one which recent events have forced upon our attention with intense interest, and in my judgment we ought not longer to defer its solution; and although the President in his late annual message has brought it to the attention of Congress, it is manifestly a subject in which the several States of the Confederacy must and ought to act the most prominent part, both in giving the question its proper solution and in carrying out any plan that may be devised on the subject.

As a member of the Virginia Senate, having to act upon the subject, I have given it much earnest and anxious reflection, and I do not hesitate to say here, in advance of the full discussion which it will doubtless undergo, that the general objections to the proposition itself, as well as the practical difficulties in the way of carrying it out, have been greatly lessened as I have more thoroughly examined them.

But it is not to be disguised that public sentiment is greatly divided on the subject; and besides many real objections, a mountain of prejudices growing out of our ancient modes of regarding the institution of Southern slavery will have to be met and overcome before we can attain to anything like that degree of unanimity so extremely desirable in this and all else connected with our great struggle.

In our former contests for liberty and independence he who was then at the head of our armies, and who became the Father of his Country, did not hesitate to give his advice on all great subjects involving the success of that contest and the safety and welfare of his country, and in so doing perhaps rendered more essential service than he did in the field; nor do I perceive why, upon such a subject and in such a crisis as the present, we should not have the benefit of your sound judgment and matured wisdom.

Pardon me, therefore, for asking, to be used not only for my own guidance, but publicly as the occasion may require, Do you think that by a wisely devised plan and judicious selection negro soldiers can be made effective and reliable in maintaining this war in behalf of the Southern States?

Do you think the calling into the service of such members of this population as the exigency may demand would affect injuriously to any appreciable or material extent the institution of Southern slavery? Would not the introduction of this element of strength into our military operations justify in some degree a more liberal scale of exemptions or details, and by thus relieving from active service in the field a portion of the intelligent and directing labor of the country (as seems to be needed) have a beneficial bearing upon the question of subsistence and other supplies?

Would not, in your judgment, the introduction of such a policy increase in other regards our power of defense against the relentless and barbarous warfare the enemy is now waging against us?

These are but some of the leading inquiries which suggest themselves. But I beg you, general, if, from a sense of duty and the promptings of your elevated patriotism, overriding all motives of

unwise and ill-timed delicacy, you consent to reply to these inquiries for the purpose before frankly indicated, that you will give me your views, as fully as your engagements will allow, upon every other question or point of inquiry that may occur to you as likely to conduce to a wise decision of this grave and, as deemed by many, vitally important subject.

With the highest esteem, your obedient servant,

ANDREW HUNTER.

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., January 8, 1865.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: Your letter of the 30th of December received by yesterday's mail. I beg to assure you that I have spared no efforts or pains to prosecute vigorously the recruiting of our Army through the conscript camp. It is true, as you say, there are many liable to conscription who have not been reached, and for reasons I have heretofore given I fear never will be reached. Rest assured, however, that I will not cease my efforts in that regard. In response to your inquiries, how our Army is to be recruited, I refer with strength and confidence to the policy of opening the door for volunteers. I have so long and so urgently pressed this matter that I feel reluctant even to allude to it, and yet I should not be true to my strong convictions of duty if I permitted any opportunity to pass without urging and pressing it upon the proper authorities. It is in my opinion not only the best but the only mode of saving the Army, and every day it is postponed weakens its strength and diminishes the number that could be had by it. The freest, broadest, and most unrestricted system of volunteering is the true policy, and cannot be too soon resorted to. I think that the proposition to make soldiers of our slaves is the most pernicious idea that has been suggested since the war began. It is to me a source of deep mortification and regret to see the name of that good and great man and soldier, General R. E. Lee, given as authority for such a policy. My first hour of despondency will be the one in which that policy shall be adopted. You cannot make soldiers of slaves, nor slaves of soldiers. The moment you resort to negro soldiers your white soldiers will be lost to you; and one secret of the favor with which the proposition is received in portions of the Army is the hope that when negroes go into the Army they will be permitted to retire. It is simply a proposition to fight the balance of the war with negro troops. You can't keep white and black troops together, and you can't trust negroes by themselves. It is difficult to get negroes enough for the purpose indicated in the President's message, much less enough for an Army. Use all the negroes you can get, for all the purposes for which you need them, but don't arm them. The day you make soldiers of them is the beginning of the end of the revolution. If slaves will make good soldiers our whole theory of slavery is wrong—but they won't make soldiers. As a class they are wanting in every qualification of a soldier. Better by far to yield to the demands of England and France and abolish slavery, and thereby purchase their aid, than to resort to this policy, which leads as certainly to ruin and subjugation as it is adopted; you want more soldiers, and hence the proposition to take

negroes into the Army. Before resorting to it, at least try every reasonable mode of getting white soldiers. I do not entertain a doubt that you can by the volunteering policy get more men into the service than you can arm. I have more fears about arms than about men. For heaven's sake try it before you fill with gloom and despondency the hearts of many of our truest and most devoted men by resorting to the suicidal policy of arming our slaves.

Having answered the inquiries of your letter, let me volunteer in a few words a suggestion. Popularize your administration by some just concessions to the strong convictions of public opinion. Mark you, I do not say yield to popular clamor, but concede something to the earnest convictions of an overwhelming, and, I will say, an enlightened public opinion. First, yield your opposition to volunteering in the form and manner which I have heretofore urged; second, restore General Johnston to the command of the Army of Tennessee, and return General Beauregard to South Carolina.

With Lee in Virginia, Johnston here, and Beauregard in South Carolina you restore confidence and at once revive the hopes of the people. At present I regret to say that gloom and despondency rule the hour, and bitter opposition to the Administration, mingled with disaffection and disloyalty, is manifesting itself. With a dash of the pen the President can revolutionize this state of things, and I earnestly beseech him to do it.

Sincerely, yours,

HOWELL COBB,
Major-General.

CUTHBERT, GA., *January 10, 1865.*

His Excellency JEFFERSON DAVIS:

SIR: I think you said in your speech in Macon, Ga., that you read all letters from your friends, though you could not undertake to respond to them; so, though a stranger, I hope you will pardon me for these few lines. I will premise by saying that I was a Democrat and secessionist in '60 and '61, and all that has transpired since has but served to convince me that I was right—to confirm me in the faith. I am an agriculturist by profession, well stricken in years, and have lost two noble sons in this bloody war. Sir, I think the matter of the highest moment now is to take measures to recruit our armies for next spring's campaign. How can this be done is the great overshadowing question. Congress and the State Legislatures have put in service all white men between the ages of sixteen and sixty years. We can't get them from the Old World or from any other country. We are thrown upon our own resources. The recruits must come from our negroes, nowhere else. We should away with pride of opinion; away with false pride, and promptly take hold of all the means that God has placed within our reach to help us through this struggle—a bloody war for the right of self-government. Some people say negroes will not fight. I say they will fight. They fought at Ocean Pond, Honey Hill, and other places. The enemy fights us with the negroes, and they will do very well to fight the Yankees. But some say that will be giving up the question. What, giving up the question to grip it the tighter? Giving up slavery to have slaves defend it? To have them shoot down the enemies of slavery? Strange notion, indeed! From the outset of the war we have used the negro

to defend the institution by making him raise provisions for the Army, &c. Let him be used still further, and put the sword and the musket in his hand, and make him hew down and shoot down those who come to destroy the institution and enslave us. Would this be giving up the question? I opine not. True, our slaves are our property. True, too, that our Government takes our fathers, our brothers, and our sons and exposes them to shot and shell and sword, to mutilation and to death, in defense of our dear country. Why can't it take our property for the same purpose? He who values his property higher than his life and independence is a poor, sordid wretch; a gold worshiper; a slave in spirit.

Sir, our Congress should make haste and put as many negro soldiers in the field as you and General R. E. Lee may think necessary. I would not make a soldier of the negro if it could be helped, but we are reduced to this last resort. It is not worth while to blink or evade the question. The negro must be put into the Army or we shall be subjugated by the hated foe. Demoralization is rife in our armies, and among the people at home the sign of succumbing may be seen. Reconstruction and separate State action is boldly talked, and treason is stalking in the land. Sir, I tell you these unwelcome facts not to discourage you, but to put you on the alert that you may prepare to meet them. I am for fighting out this war to the bitter end. If we had been united as we should have been, the hated foe would have been driven from our country long ago. Governor Joseph E. Brown, by his perverse and factious course, has done our cause much harm. To some extent he has divided and broken the spirit of the people. Sir, let us not pass under the yoke of Lincoln; rather let our country be ceded to France and England. I had rather live with any people than the Yankees, and so every one talks whom I hear speak on the subject. I will close, and let my letter be short. I could say more. God preserve you and give you good health.

Your friend,

SAMUEL CLAYTON.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., January 10, 1865.

Maj. Gen. D. H. MAURY,
Comdg. Dept. of Alabama, Mississippi, and East Louisiana:

GENERAL: The letter of Maj. M. O. Tracy, Thirteenth Louisiana Regiment, relating to the subject of recruiting prisoners of war, has been forwarded to this Department with your indorsement asking instructions in such cases.

The Secretary of War directs me to say that the Department considers it desirable in general that prisoners of war, if received as recruits, should not be placed in new organizations nor collected in large numbers in those now existing, but should be distributed as much as possible among companies, regiments, and brigades of undoubted fidelity.

In one case in which a new battalion was formed from such material a conspiracy was discovered; and although it was promptly crushed, yet it was found expedient to disband the battalion.

Nevertheless, the experiment is now in course of trial by other officers, who believe that by recruiting chiefly among Catholic Irish and other foreigners and obtaining the influence of the Catholic priesthood they may secure faithful soldiers.

As to the material to be received as recruits, it is recommended that Catholic Irish be preferred, and next to them other foreigners.

Men born in the United States should not be received unless known to have sincere and positive predilections for the South. Natives of the Southern States may be received more freely.

After giving these general instructions the Honorable Secretary sums up his views in the following words:

That if separate organizations be ventured at all, they be only small battalions; that in recruiting largely for a brigade or any much reduced organization, every possible precaution should be taken in selection, and that some previous trial of these men should be made where they would be surrounded by our men before they are fully relied on in positions of trust and importance.

Very respectfully, general, your obedient servant,

JNO. BLAIR HOGE,
Major and Assistant Adjutant-General.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
January 11, 1865.

Hon. ANDREW HUNTER,
Richmond, Va.:

DEAR SIR: I have received your letter of the 7th instant, and without confining myself to the order of your interrogatories, will endeavor to answer them by a statement of my views on the subject. I shall be most happy if I can contribute to the solution of a question in which I feel an interest commensurate with my desire for the welfare and happiness of our people.

Considering the relation of master and slave, controlled by humane laws and influenced by Christianity and an enlightened public sentiment, as the best that can exist between the white and black races while intermingled as at present in this country, I would deprecate any sudden disturbance of that relation unless it be necessary to avert a greater calamity to both. I should therefore prefer to rely upon our white population to preserve the ratio between our forces and those of the enemy, which experience has shown to be safe. But in view of the preparations of our enemies, it is our duty to provide for continued war and not for a battle or a campaign, and I fear that we cannot accomplish this without overtaxing the capacity of our white population.

Should the war continue under existing circumstances, the enemy may in course of time penetrate our country and get access to a large part of our negro population. It is his avowed policy to convert the able-bodied men among them into soldiers, and to emancipate all. The success of the Federal arms in the South was followed by a proclamation of President Lincoln for 280,000 men, the effect of which will be to stimulate the Northern States to procure as substitutes for their own people the negroes thus brought within their reach. Many have already been obtained in Virginia, and should the fortune of war expose more of her territory, the enemy would gain a large accession to his strength. His progress will thus add to his numbers, and at the same time destroy slavery in a manner most pernicious to the welfare of our people. Their negroes will be used to hold them in subjection, leaving the remaining force of the enemy free to extend his conquest. Whatever may be the effect of our employing negro troops, it cannot

be as mischievous as this. If it end in subverting slavery it will be accomplished by ourselves, and we can devise the means of alleviating the evil consequences to both races. I think, therefore, we must decide whether slavery shall be extinguished by our enemies and the slaves be used against us, or use them ourselves at the risk of the effects which may be produced upon our social institutions. My own opinion is that we should employ them without delay. I believe that with proper regulations they can be made efficient soldiers. They possess the physical qualifications in an eminent degree. Long habits of obedience and subordination, coupled with the moral influence which in our country the white man possesses over the black, furnish an excellent foundation for that discipline which is the best guaranty of military efficiency. Our chief aim should be to secure their fidelity.

There have been formidable armies composed of men having no interest in the cause for which they fought beyond their pay or the hope of plunder. But it is certain that the surest foundation upon which the fidelity of an army can rest, especially in a service which imposes peculiar hardships and privations, is the personal interest of the soldier in the issue of the contest. Such an interest we can give our negroes by giving immediate freedom to all who enlist, and freedom at the end of the war to the families of those who discharge their duties faithfully (whether they survive or not), together with the privilege of residing at the South. To this might be added a bounty for faithful service.

We should not expect slaves to fight for prospective freedom when they can secure it at once by going to the enemy, in whose service they will incur no greater risk than in ours. The reasons that induce me to recommend the employment of negro troops at all render the effect of the measures I have suggested upon slavery immaterial, and in my opinion the best means of securing the efficiency and fidelity of this auxiliary force would be to accompany the measure with a well-digested plan of gradual and general emancipation. As that will be the result of the continuance of the war, and will certainly occur if the enemy succeed, it seems to me most advisable to adopt it at once, and thereby obtain all the benefits that will accrue to our cause.

The employment of negro troops under regulations similar in principle to those above indicated would, in my opinion, greatly increase our military strength and enable us to relieve our white population to some extent. I think we could dispense with the reserve forces except in cases of necessity.

It would disappoint the hopes which our enemies base upon our exhaustion, deprive them in a great measure of the aid they now derive from black troops, and thus throw the burden of the war upon their own people. In addition to the great political advantages that would result to our cause from the adoption of a system of emancipation, it would exercise a salutary influence upon our whole negro population, by rendering more secure the fidelity of those who become soldiers, and diminishing the inducements to the rest to abscond.

I can only say in conclusion that whatever measures are to be adopted should be adopted at once. Every day's delay increases the difficulty. Much time will be required to organize and discipline the men, and action may be deferred until it is too late.

Very respectfully, your obedient servant,

R. E. LEE,
General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 11, 1865.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the House of Representatives referred by Your Excellency to this Department:

Resolved, That the President be respectfully requested, if not incompatible with the public interest, to inform this House whether or not the Secretary of War, or any other officer of the Executive government, has ever granted permits or safe-conducts to one or more youths of the Confederate States who were about to attain the age that would render them liable to conscription or military service to go beyond the limits of this Confederacy, and if any youth or youths of the age designated have been or are about to be suffered to depart from the Confederacy to inform this House of the reasons for their being permitted to go abroad.

Some delay in replying has been caused by the desire to make as thorough a research as possible for any cases to which the resolution may be applicable. The only officers besides myself who, in the practice of the Department, exercise the power of granting passports to leave the Confederacy are the provost-marshal of this city and the Assistant Secretary of War. Reports from both accompany this and give full information of the only cases acted on by them to which the resolution can be supposed to have application.* These cases were acted on in the regular course of official business without reference to me and without knowledge on my part until the inquiries caused by the resolution of the House.

The only cases which are recollected, or after a search can be found to have been acted on by me, are two:

First. That of John S. Poulson, allowed in March, 1864. He was a son of a citizen of Accomac County, resident within the lines of the enemy, represented at that time to be sixteen years of age, and satisfactorily shown by medical testimony to be a victim of epilepsy, of weak intellect and physical disability. It was sought to restore him to his father's care, and a passport was given him to pass by the boat bearing flag of truce. As this required the assent of the Federal authorities likewise, it seems to have been ineffectual, as the same youth appears subsequently to have applied to the provost-marshal for a more general pass, and is among those named by him as having received passports. He had then attained the age of seventeen years, but, as appears from the provost-marshal's report, was from disease unfit for military service.

Second. The case of Henry Grant, a youth of sixteen years of age, on the 24th of September, 1864, the son of a most estimable and loyal citizen in this city. He was stated to be backward in his studies and so diverted by the incidents and distractions of the times as to make his application almost hopeless. His uncle, formerly an officer of our Army, now residing in England in the prosecution of business important to the Department, had offered to receive him and see to his proper training and education. This passport was allowed December 6, 1864, on the understanding, however, that should the war continue he should be liable to recall on attaining military age. I am not positively informed whether his passport has been used, but presume it has been.

It will be seen that no passports have been granted in cases where it can be properly said "youths were about to attain the age that would render them liable to conscription" to go beyond the limits of the Confederacy. Where there was even an approach to that age

*Accompanying documents not found.

care was observed to obviate evasion of future liability to service. At the same time it is deemed not inappropriate to add that no law or obligation exists by which the Department is required to refuse passports to go to neutral countries to any loyal citizen of the Confederate States not liable to military service.

Passports are required, from considerations of military police alone, to preclude the passage of dangerous or disaffected persons, and it might, perhaps, with justice be deemed an offensive and gratuitous presumption to attribute to any loyal citizen the design of evading a patriotic duty, as also an unwarrantable assumption of authority by the Department to preclude expatriation or intercourse with neutral countries by the refusal of passports to those not liable to military service. So high a prerogative, it may be justly claimed, can only be imparted, and should only be exercised, under the regulation of law. If therefore it be deemed important that passports be refused (except from military police) to any class of our citizens, it is due alike to the Department and the citizen that it should be prescribed by appropriate legislation.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *January 14, 1865.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 8th of November, 1864, I herewith transmit, for your information, a communication from Hon. Howell Cobb, who was President of the Provisional Congress, relative to the preparation of copies of the Journals of that body, and of the Proceedings of the Convention which framed the Provisional and Permanent Constitutions of the Confederate States. And I invite your attention to the suggestions he makes in reference to funds to be expended in the further prosecution of the work.

JEFFERSON DAVIS.

[Inclosure.]

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., December 17, 1864.

Hon. JEFFERSON DAVIS,
President, &c., Richmond, Va.:

SIR: In response to a resolution of the House of Representatives of Congress of the 8th of November last, asking for information in reference to the Journals, &c., of the Provisional Congress, &c., I beg leave respectfully to report:

In compliance with that resolution I employed Mr. J. J. Hooper, clerk of the Provisional Congress, to do the work. The papers were already in his possession; and I regarded him, under the circumstances, as the most suitable person to undertake it. In a short time he died, leaving the work almost untouched and the papers scattered and difficult of access. I then employed Maj. John C. Whitner, of West Point, Ala., a most faithful and competent person, who immediately entered upon the discharge of the duty, and who has devoted his time earnestly to the business from that period to the present time. I herewith inclose his report, which is so full and satisfactory, that it is unnecessary for me to add anything by way of explanation of the causes which have led to the delay in completing the work.

I would respectfully call the attention of Congress to the fact that Major Whitner has up to this time received no compensation for his services, and has, in fact, advanced money from his own funds for necessary expenditures. I would recommend that the amount which he returned to the Treasury of the old issue be at once placed in his hands, and that an additional appropriation of $20,000 be made to complete the work. This sum is indicated without consultation with Major Whitner; and it may not be sufficient, in view of the present high prices; but at present I will not ask for a larger sum. I would also recommend that the other requests of Major Whitner should be complied with by Congress, as they are both reasonable and proper.

It is but simple justice to myself to state that before and since the adjournment of the Provisional Congress I have been in the constant military service of the country, and therefore had no time to give the business my personal attention. It is at the same time due to Major Whitner to say that he has spared no effort or pains to do the work as rapidly as circumstances beyond his control would admit. I am sure that I could not have procured the services of a more faithful or competent officer.

I am, very respectfully, yours, &c.,

HOWELL COBB,
President of the Provisional Congress.

[Sub-inclosure.]

AUGUSTA, GA., *November 18, 1864.*

General HOWELL COBB,
Macon, Ga.:

GENERAL: In compliance with the resolution adopted by the House of Representatives on the 8th instant, which you have referred to me, asking the President to "inform Congress whether the Hon. Howell Cobb, President of the Provisional Congress, has complied with the act of 17th of February, 1862, by which he was instructed to have prepared two copies of the Journals of Congress and the Proceedings of the Convention which framed the Provisional and Permanent Constitutions of the Confederate States, one copy of which was to be deposited in the office of the Department of Justice; and if not, to communicate to Congress any information he may have as to the present state of the work; also whether the originals of the Journals have been sealed and deposited for preservation with the Secretary of State, in accordance with law," I have the honor to make the following statement:

As soon as I received the boxes containing the papers belonging to the Provisional Congress I entered upon the work of complying with the law above referred to. Much matter, as I have before informed you, was missing—all or nearly all the Journals of the Convention and many important papers forming a part of the Journals, as well as some of the Journals themselves of the Congress. It was some time before any of these could be found; and for securing them at all I am indebted to the cordial assistance rendered by Messrs. Robert E. Dixon and A. R. Lamar, both at one time connected with the Provisional Congress as assistant clerks. Mr. Dixon informed me that he himself as clerk had copied the Proceedings of the Convention in a bound book, which, however, could not be found. Fortunately he had preserved in his possession the originals from which this copy was made, only a few being missing. These missing Jour-

nals he was doubtless prevented from sending to me by his sudden death, and it has been but comparatively recently that I have gotten possession of them.

Many papers, such as messages, reports, resolutions, treaties, memorials, communications, petitions, &c., referred to and forming a part of the regular proceedings of Congress, and which had probably been slightly attached or only placed within the leaves of the original Journals, could not be found amongst the papers in the boxes sent me. Through the courtesy and labor of the gentlemen above mentioned and others, I hope the most, if not all, have been gathered up. Only in one case so far, and that not important, have I failed to get the original paper referred to or an authentic copy. Many of these papers also were gathered up by Mr. Dixon, and were in his possession at the time of his death, and have since been secured through the courtesy of his family and friends.

The cause of the confused and scattered condition of these papers I cannot explain. The lamented death of Hon. J. J. Hooper, to whom the work was first committed, together with the general confusion then existing in Richmond in consequence of the near approach of the enemy and the sending off to other points important Government papers, had doubtless much to do with it. Mr. Hooper had but barely entered upon this work—possibly not long enough to gather up what was necessary for its accurate completion.

These matters have delayed me very much—far more than would at first appear. For instance, whilst writing any day's proceedings I find an important document referred to missing. A thorough search through all the mass in my possession shows it is not on hand. Not knowing its length, it is impossible for me to leave room for it. I must therefore necessarily delay further copying until that paper is found, which may be at Richmond or elsewhere. This occurring frequently and involving in some cases months of search, I have been delayed in a most annoying manner. I endeavored to procure assistance at first, but, unable to furnish exemption, no one would remain with me, and but for the voluntary aid of Messrs. Dixon and Lamar and other gentlemen I don't see how I could have gotten on.

Another cause of delay has been the recent movements of the enemy. As you directed me to take good care of these papers, I left Atlanta about a month before its fall and went to West Point. Hearing of a threatened raid upon that place, I went farther down into Alabama, and was surrounded and cut off by Rousseau's raid. Fortunately everything escaped, and I have all in safety here.

You placed in my hands $2,000. Of this I expended $370 for materials. The remainder, $1,630, I deposited with J. W. Duncan, depositary in Atlanta, about the last of March, in order to have it exchanged for new currency, and sent the certificate on to the Secretary of the Treasury, but never received any order on the depositary for the amount in new issue. I would respectfully ask your attention to this, as I have had to use my own means in paying expenses.

I have written up a portion of the Proceedings of the Convention and two-thirds of the Journals of Congress, both open and secret. If not interrupted, I will soon complete one copy, which will enable me to deposit the originals, as required by law, and then rapidly work up the other copy. I trust all missing papers have been secured necessary to the accuracy of the work.

I would respectfully call your attention to the fact that I have been working on this business over a year, and have received no

compensation, nor do I know what I am to receive. I would request a fixed pay and a return of amounts already expended.

As you are aware, I have frequently been interrupted by the military, though through your influence have generally been relieved. Once, however, I had to submit to examination and discharge for physical disability by a board of conscript surgeons. I beg you would secure for me from Congress special exemption whilst engaged on this work, with privilege of going to places of safety from those threatened by the enemy. The importance of this must be apparent, both for the security of the work and its early completion. If possible, I would like to have the appointment of an assistant, and would recommend Clinton I. Brown, esq., who has already given me voluntary aid; has been pronounced unfit for field service, and would add no expense whatever to the Government. This would enable me to proceed more rapidly, and at the same time have the originals arranged preparatory to early turning them over to the Government.

It is impossible to express my deep concern to have this work finished, and thus be relieved of so cumbrous and at the same time important responsibility. You have repeatedly urged upon me the importance of its early completion; yet I have not hesitated to take time for gathering all important materials, believing that a full and accurate record of its proceedings was the first object aimed at by the Provisional Congress. To secure this delays have been unavoidable; but I think they will not occur again.

I have the honor to be, your obedient servant,

JNO. C. WHITNER.

COLUMBIA, S. C., *January 15, 1865.*

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: I have used the detention forced upon me at this place by the condition of the roads in the attempt to effect some reasonable adjustment of the slave labor levy, so seriously impeded by the Legislature of the State, and, as I feared, by the temper of the Executive and the people. I have the honor to inclose you certain documents bearing on the matter.

After repeated and very full conferences with the Governor he has submitted to me the report of the State agent as the exposition of the law, the Executive policy in connection with the subject, and the probable mode of meeting the Confederate requisition.

The accompanying letter of Major Melton (commandant conscripts) will exhibit his view as to the probabilities of obtaining slaves in South Carolina under the instructions of December 12, 1864. I commend Major Melton's note to your careful attention. I have not assented to his conclusions, but have ordered the levy to be proceeded with.

Under the instructions by which the law is to be administered I do not feel authorized to look to the effect of this levy upon the occasional and somewhat eccentric, and at times, perhaps, worse than useless, calls of the officers in charge in this department.

In referring you to the engineer's requisition (see Colonel Echols' letter), I beg to call your attention to the fact that this requisition has been one of the most serious impediments I have encountered in my effort to adjust the levy intrusted to my bureau. Apart from

well-founded complaints as to the management of the slaves under these occasional calls, the fact of such diverse and disconnected calls for slaves, seemingly not regulated by any uniform system of responsibilities, is recognized and avowed as one main incentive to the unfortunate sentiment and consequent legislation in this State. Members have been sent to the Legislature avowedly to protect the people in their slaves from the Confederate authorities.

My duty would properly be fully performed in reporting to you the extreme difficulty, if not impossibility, of raising slaves under the instructions of December 12, 1864. I feel warranted, however, in suggesting as a probable remedy an act of Congress expressly authorizing you to negotiate with the States for the impressment of slaves on such terms as may be agreed. Major Melton's note states truly the practical difficulty. It exists in every State. A regiment of cavalry with bloodhounds in every county in the Confederacy would not obtain the slaves unless by the intervention and use of State laws and State authorities.

My hopelessness of good result will not cause me to relax one moment the rigor of my efforts.

I have the honor to be, most respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[First indorsement.]

JANUARY 26, 1865.

Chief of Engineers for consideration.
By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Second indorsement.]

ENGINEER BUREAU,
February 1, 1865.

Respectfully returned to the Honorable Secretary of War.

The report of the State agent of South Carolina, Col. R. B. Johnson, makes it clear that the best method of procuring slave labor in that State is through the agency of the State law, and I would recommend that His Excellency the Governor of South Carolina be requested to procure an amendment by the Legislature of the State law so as to make the labor, when obtained, available for the military purposes of the Confederacy, according to act of February 17, 1864, *i. e.*, that the term of impressment may be for twelve months, the slaves to be used without the limits of the State when the good of the service demands; that they may be subject to the supervision and control of Confederate authorities and agents, and be placed in all respects on the same footing as slaves impressed under said act in other States. I concur also in the recommendation of Brigadier-General Preston as to the propriety of obtaining an act of the Confederate Congress, expressly authorizing the Honorable Secretary of War to negotiate with the States for the impressment of slaves on such terms as may be agreed upon.

J. F. GILMER,
Major-General and Chief of Engineer Bureau.

[Third indorsement.]

FEBRUARY 2, 1865.

ENGINEER BUREAU:

Your indorsement approved. Have such letters as you would wish prepared and submitted.

J. A. S.

[Fourth indorsement.]

ENGINEER BUREAU,
February 6, 1865.

Respectfully returned to the Honorable Secretary of War. Two letters herewith submitted in accordance with above direction.*

J. F. GILMER,
Major-General and Chief of Engineer Bureau.

[Inclosure No. 1.]

STATE OF SOUTH CAROLINA, EXECUTIVE DEPARTMENT,
January 11, 1865.

General JOHN S. PRESTON,
Columbia, S. C.:

GENERAL: I beg to send you the report of Colonel Johnson and the requisition of Major Echols. These papers will enable you to communicate with the Secretary of War in relation to the matter of our conversation.

Respectfully, &c.,

A. G. MAGRATH.

[Inclosure No. 2.]

COLUMBIA, *January 10, 1865.*

His Excellency Governor A. G. MAGRATH:

In reply to the inquiries submitted to me yesterday by Your Excellency and General John S. Preston, superintendent of conscription, in reference to furnishing the supply of slave labor required by the Confederate Government, I beg to submit the following views:

First. I do not find in the legislation of the State any provision which in terms or by necessary implication precludes the enforcement in this State of any impressment of slaves which the Confederate Government may order. On the contrary, section 11 of the act seems to have in view the contingency of the impressment of slaves beyond and outside of the scope of the act. It is conceived, therefore, that so far as State laws are concerned there exists no hindrance to the impressment of slaves in this State in obedience to orders of the War Department.

Whilst, however, there is found no hindrance in the provisions of the act of the Legislature, the fact that there is such legislation operates practically under the instructions of the War Department to preclude such impressment.

The instructions of December 12 direct that the impressment authorized by General Orders, No. 86, shall be "according to the rules and regulations provided for the impressment of slaves in the States." Of like tenor are the instructions of September 23: "If any of the States have passed any law by which slaves can be collected for the

*Only one letter found as an inclosure, for which see Gilmer to Seddon, February 6, p. 1058.

military service of the Confederate States, as contemplated by said act of Congress, it will be the duty of the Bureau of Conscription to preserve the plan prescribed by State enactment."

There being in this State a law enacted avowedly for the collection of slaves for the military purposes of the Confederate States, and prescribing rules and regulations for that purpose, conformity to the provision is required by the War Department, and practically the operation of any other system or mode of impressment is precluded.

Second. The points of conflict between the regulations of the State and those of the War Department are chiefly these: The act of the Legislature contemplates the using of the slaves only within the State. The act of Congress looks to their being used anywhere "within the military department."

The act of the Legislature restricts the labor to be exacted of the slaves to "work on the coast of this State and the fortifications within the limits of the State," and provides especially "that the slaves shall not be detailed for any other service than such work as is intimately connected with the defense of this State." The act of Congress, on the other hand, provides for other duties, to wit:

> Duties with the Army or in connection with the military defenses of the country in the way of work on fortifications or in Government works for the production or preparation of materials of war or in military hospitals.

The act of the Legislature directs a mode of appraisement by the sheriff and a "loyal citizen" to be chosen by the owner. The orders of the War Department direct an appraisement "under the law regulating impressments." The instructions of December 12 direct still another mode, to wit, "by the impressing officer and the advisory board." (This matter of the appraisement of the slaves, by the way, is found to be one of the most embarrassing of the many difficult problems involved, and from it already has sprung very much dissatisfaction. The adoption of some uniform mode, equally binding on the individual and the Confederate Government, is most essential to any successful impressment.) To some extent these points of conflict may be avoided by such conformity to the State regulations as is required by the instructions of December 12. The order to impress the slaves according to State rules and regulations would seem to imply conformity to the mode of appraisement prescribed by the State law, such being one of the State "regulations."

This idea fully carried out would perhaps control all the points of difference by virtually superseding all Confederate regulations and substituting therefor the "rules and regulations" of the State law. The order to "pursue the plan prescribed by State enactment" would seem to carry with it a conformity to all the incidents and conditions of the "plan."

Third. It is clear that the State authorities cannot furnish any number of slaves to the Confederate Government on the terms of the instructions of the War Department. They can only be furnished according to the terms prescribed by the State law. These terms are as follows: First, the period of service will be for twelve months; second, a portion of the number will be levied for only two months from owners who are liable for ———; third, each owner will have the right to remove his slaves at the end of each quarter and substitute others; fourth, the slaves will be appraised according to the regulations prescribed by the act; fifth, the use of the slaves will be restricted to "work on the coast of this State and the fortifications within the

limit of the State;" sixth, the discipline of the slaves, their clothing, diet, and general treatment will be under the supervision of the State agent.

Fourth. The question as to how far the State can meet the requisitions of the Confederate Government through the operation of the State law it is very difficult to determine. If the call of Major Echols of 3,000 slaves be regarded as a distinct call from that made through the Bureau of Conscription, the aggregate of the two is beyond the present energy of the State law.

Your Excellency is forbidden to levy at any one time more than the one-tenth of the male slaves between the ages of eighteen and fifty years. The returns from the several districts show an aggregate of about 36,000 male slaves in the State liable to impressment. Assuming that these returns fall short of the accurate number (and such, I have no doubt, is the fact), and that a close enumeration would show even 50,000, the levy of one-tenth of this number—distributed as the slaves are among many owners, a large, and perhaps a larger, part of them owning less than ten, and still another portion having fractions above ten—would scarcely yield the 2,500 called for through the Bureau. The other requisition could only be met by another and subsequent levy. But it is worthy of consideration whether the requisitions are distinct. The orders of the War Department direct the Bureau of Conscription to procure "according to State rules and regulations" 2,500 slaves, "to be turned over to the engineer officer instructed to receive them, for labor in the engineer and other departments of the service." The engineer himself applied for these slaves, varying the number to 3,000. It must be assumed that he is acting under the instructions of the War Department; that he is, in the language of the general order, "the engineer officer instructed to receive them."

The instructions of the War Department for the levy of the 2,500 do not indicate any other purpose to which they are to be applied than that indicated in the general order.

It is therefore reasonable to assume that the 2,500 are wanted for the same purpose as the 3,000 called for by Major Echols, and that the receipt of the 2,500 by Major Echols, "an engineer officer authorized to receive them," would be on the part of the State a compliance with the requisition ordered through the Bureau under General Orders, No. 86.

Fifth. If it be assumed that the levy called for through the Bureau of Conscription is distinct from that called for by Major Echols and for other purposes than those contemplated by the act of the Legislature, I have no hesitation in saying that it cannot be made. The purposes for which the slaves are wanted would preclude the operation of the State law for the purpose of raising them, whilst the conscript authorities, being required to act in conformity with the State law, would have no authority to resort to any mode of impressment other than that prescribed by the State law.

Should the War Department disembarrass the question by ordering the impressment to be made in pursuance of the Confederate law of impressments and irrespective of State Legislature, I am fully assured, from my knowledge of the difficulties and embarrassments which attend the levying of slave labor, that the conscript authorities cannot successfully proceed with such impressment. So continuous have been the calls for slave labor for the past three years, so widespread has become the dissatisfaction among slave-owners with the treatment

of their slaves, so imperfect have been the laws to enforce equality in the distribution of the burden, that the well affected are very reluctant to respond to any call, whilst the factious and unpatriotic, the lukewarm and the disaffected, now so numerous, are ready to interpose every possible hindrance to the execution of such impressment. The slaves themselves are very averse to this labor, and their owners sympathize with them, feel for them, and are disposed to screen them. All attempts, therefore, to impress by main caption would be futile. The owner has but to wink at evasions by the slaves and the best concerted efforts for arrest are foiled.

The aid and the authority of the master is indispensable, and as the Confederate authorities possess no control over him, can impose upon him no pain or penalties, they must in the present condition of affairs be powerless to act effectually. I am satisfied that slaves can be impressed only through the agency of the State authorities and in conformity with State law. It may also be added that any attempt to enforce an impressment under Confederate orders cotemporaneously with an impressment under State laws would result prejudicially, each operating to embarrass and defeat the other.

The practical conclusions drawn from a consideration of the whole subject are these:

First. The conscript authorities cannot, under their instructions, proceed to impress slaves in this State otherwise than by the State agencies and in conformity with State rules and regulations.

Second. The State law is adequate to the raising of 2,500 or 3,000 slaves at any one time, and the requisition made through the Bureau may be met, except as to the terms and conditions of the service.

Third. The levying of the 2,500 under the requisition through the Bureau and the turning of them over to the "engineer officer instructed to receive them" could not be regarded otherwise than as a satisfaction of the requisition. The receipt of them by the engineer officer would operate as a satisfaction *pro tanto* of the requisition made by or through him.

Fourth. If it be assumed that the requisition made through the Bureau is for other purposes than those contemplated by the State act, it cannot be met, neither by the State authorities, for want of authority under the act, nor yet by the conscript authorities, for want of authority under their instructions, or, having such authority, because of practical and insurmountable difficulties.

I respectfully suggest that I be authorized to proceed at once to levy the one-tenth of the male slaves of the State between the ages indicated in the act, and to turn over the slaves so levied to the engineer officer who may be instructed to receive them. I would also respectfully ask that in the exercise of my power to appoint subagencies the authority of the superintendent of conscription be given me to appoint and use the conscription agencies of the State. He can aid me much, not alone in procuring a correct enumeration of slaves and in making the proper assessments upon owners, but in collecting and forwarding the slaves.

Respectfully, your obedient servant,

R. B. JOHNSON,
Agent of State of South Carolina.

[Inclosure No. 3.]

HEADQUARTERS CONSCRIPT DEPARTMENT,
Columbia, January 14, 1865.

General JOHN S. PRESTON,
Superintendent of Conscription:

GENERAL: I am in receipt of your communication of yesterday making the following inquiries:

First. Whether in my judgment there can be procured in this State, under existing laws and regulations, the slaves required by instructions of the War Department of date the 12th of December, ultimo?

Second. Whether by any means the instructions of the 12th of December can be executed and the 2,500 slaves procured on the terms of the law?

In reply to these inquiries I beg leave respectfully to say:

First. That the "laws and regulations" of the State are inadequate to the furnishing of the slaves required, and such slaves cannot be procured by any proceeding on the part of the conscript authorities according to or in conformity with those regulations. The State enactment appears not to have been framed with a view to the meeting of requisitions for slaves under the act of Congress, and its provisions are not such as to facilitate the enforcement of such an impressment.

Second. The instructions of the 12th of December cannot, in my judgment, be executed otherwise than irrespectively of all State regulations.

Having been present at the several conferences between yourself and His Excellency Governor Magrath and Colonel Johnson, the State agent, and having myself carefully examined the laws of Congress and of the State, as also the orders and instructions of the War Department, I have attained these conclusions:

First. That there exists no impediment springing either from the laws of the State or from the views of His Excellency the Governor to the impressment of slaves by the Confederate Government for the purposes contemplated by the instructions of the War Department.

Second. That such impressment, if authorized irrespectively of State regulations, may be made by the conscript authorities in accordance with the Confederate law of impressments.

The chief question involved in this inquiry appears to me this: Whether, in view of the fact that the slaves required cannot be procured according to the regulations of the State, it be advisable to attempt to procure them by an impressment made irrespective of State regulations. Without assuming to indicate any opinion on this point my judgment is that the attempt at this time is unadvisable. The reasons which induce this opinion are many. I may mention these. You are aware that the orders of the State agent have already been issued for the impressment during the month of one-tenth of the male slaves of the State between the ages of eighteen and fifty years. Whilst these orders are operating and owners and slaves are subject to the disturbing effects of their enforcement, it would, I think, be injudicious to complicate the matter by throwing out other orders and executing still another impressment. The levying of slaves is a matter of the utmost delicacy, and I would hesitate to provoke a disregard of the orders of the Government and of the great necessity from which these orders spring by such a complication of things as would leave slave-owners doubtful and embarrassed as to what to do, or dissatisfied with what may be done.

There is much force in the suggestion made by Colonel Johnson that the authority of the master is indispensable to the impressment and collection of the slaves. This authority of the master cannot be evoked under other than the most favorable circumstances, and any effort to execute a forcible impressment without such authority, whilst it might result in the gathering in of the number at present required, would leave in its train such a condition of things as would render abortive any future efforts of like character.

Further, the impressment, if successful in its results, must be so I fear by the defeat of the State impressment. It would be an error to assume that the State will succeed in levying the one-tenth, and that in addition thereto the conscript authorities will procure the 2,500. If both orders be operative at the same time, it will not fail to present itself to the minds of slave-owners that they can avoid the State impressment by yielding to the Confederate impressment, and claiming a credit on their liability, under the State impressment (as they are privileged to do by section 11 of the State act), for such number of slaves as they may furnish. Should this idea prevail among slave-owners it would operate to throw into the Confederate impressment a number of slaves perhaps equal to the extent of our present requisition, but only by absorbing to that extent the State levy. It is known to you that the slaves called for by the State are to be turned over to the Confederate military authorities, although not with any view to meet the requisition made through your bureau. Will anything be gained practically, if we shall succeed in raising 2,500 by defeating the State call for 3,000? Is there not even a greater danger to be apprehended in that both requisitions may be defeated, and such condition of things be the result as may much impede and embarrass further efforts?

I have the honor to be, very truly, your most obedient,

C. D. MELTON,
Major, Commanding Conscripts.

[Inclosure No. 4.]

C. S. ENGINEER DEPARTMENT, SOUTH CAROLINA,
Charleston, S. C., January 3, 1865.

His Excellency Governor A. G. MAGRATH,
State of South Carolina:

GOVERNOR: I have the honor to lay before you the following statement of labor required for military works at present in anticipation and progress:

Combahee line	500
Combahee to Ashepoo	300
Ashepoo to Edisto	300
Edisto to Rantowles	500
Edisto lines	300
James and John's Islands	300
City	150
Fort Sumter	200
Total amount required, including the proceeds of regular call	2,550

Very respectfully, your obedient servant,

W. H. ECHOLS,
Major, &c.

[Inclosure No. 6.]

C. S. ENGINEER DEPARTMENT, SOUTH CAROLINA,
Charleston, S. C., December 24, 1864.

His Excellency Governor A. G. MAGRATH,
State of South Carolina:

GOVERNOR: I have the honor to address you in relation to the means of supplying labor for the defenses. I have noticed the recent act of the Legislature on the subject, which will give much satisfaction generally; but at this moment, before it can be put into successful operation, I thought it would be well to anticipate our wants, and if you could not through the agent of State promulgate some call to provide labor which you know is now and will be needed. The regular call is made in January, but its production will not be adequate to the extended and new lines we may be called upon to adopt. He had better have a surplus than too few. We can supply 3,000 and more. With a view to the interest of the country I have presumed to address you on this subject.

Very respectfully, your obedient servant,

W. H. ECHOLS,
Major and Engineer.

TREASURY DEPARTMENT,
January 16, 1865.

Hon. F. S. LYON,
Chairman:

SIR: I have given the most anxious consideration to the suggestions in favor of reducing the rates of taxation proposed, and have with much regret to express my entire conviction that it will be impossible to make any abatement. The result of imposing 10 per cent. ad valorem tax upon agricultural property, and crediting the tax in kind at the neighborhood value, I feel persuaded would be the simple receipt of the tax in kind and nothing more. The value of the produce received last year is estimated at schedule prices at $145,000,000, yet the whole credit given, both for the tax in kind against ad valorem tax, and (on other property) for the ad valorem tax against the income tax, was only $128,787,245, showing that the tax in kind exceeded in value the sum necessary, even at schedule rates, to offset and discharge the ad valorem tax. The total value of taxable property is $4,351,000, as stated in your calculations; but from this assessed value large deductions were made for the partial occupation of the territory of the different States by the enemy. I refer to Mr. Commissioner Allan's report annexed to the report from this Department of November 7. The sum total of the reductions thus made was about 25 per cent.

The value of agricultural property was estimated at	$2,900,000,000
Deduct 25 per cent.	725,000,000
	2,175,000,000
10 per cent. tax would be	217,500,000
Value of the tax in kind at schedule prices	145,000,000
Add 50 per cent. for new mode of valuation	72,500,000

This calculation shows that an advance of only 50 per cent. in the valuation of the tax in kind would suffice to extinguish by the proposed credit the whole sum of the 10 per cent. ad valorem.

I should discharge the responsible duties devolved upon me unfaithfully if I omitted to place this result before the committee in a clear and unambiguous light. The calculations you have done me the honor to submit to my examination lead to results quite too large in view of past experience.

Assuming that 5 per cent. additional upon property (at specie value) is the equivalent of 10 per cent. additional upon income, to which I agree, you estimate the product of the taxes proposed at $952,670,723. The experience of last year showed that the whole product of the taxation which it is now proposed to duplicate was $360,000,000, after restoring the credit given for the tax in kind, &c.

Upon this basis we have no right to anticipate a greater yield than $720,000,000, which is $232,000,000 less than your estimate. By reference to page 11 of my report of November 7 it will be seen that—

The most moderate estimate of the expenditures that could be made for the year at this time was	$774,000,000
In view of our present circumstances, the sum of $60,000,000 for the cancellation of notes may be deducted	60,000,000
	714,000,000
Add the new demands	396,000,000
	1,110,000,000
To be raised by taxation as proposed	720,000,000
For sale of bonds, temporary loans, cotton, &c	400,000,000
	1,120,000,000

You will perceive how far short of the actual demands upon the Treasury the whole yield of the taxes proposed must prove without an abatement for the tax in kind. But if from the estimated amount of $714,000,000 there is deducted $217,000,000 for the credit of the tax in kind, as I feel confident would be the result in such a case, the revenue would be reduced to $500,000,000—the demands are $1,120,000,000.

I have the honor to remain, your most obedient servant,

G. A. TRENHOLM,
Secretary of the Treasury.

SUBSISTENCE BUREAU,
Richmond, January 17, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In reply to your indorsement on the letter of the Honorable Secretary of the Treasury of the 10th instant, I have to say that I have no doubt that the Secretary of the Treasury feels very anxious to furnish this Bureau the funds needed, and I am not aware of any reason to lead to the inference that I entertained the contrary opinion. I have only to deal with the facts. In the early part of last year, when the object of the Bureau, as has ever been the case, was to convert as much as possible of its appropriation of depreciating currency into appreciating commodities, it had not the money wherewith to make purchases and had, in consequence of the tax upon the currency, to turn in through its officers more than it received in the first three months, $22,000,000 being turned in, against $21,000,000 received, this being the season, too, for collecting meats and the whole country scrambling for supplies of meat for the year's consumption. In the next

quarter this Bureau received $28,000,000, making less than $5,000,000 per month for the first half year. The appropriation for the next six months ending December 31, 1864, was not $100,000,000, but $193,000,000. The language of the appropriation act is unmistakable: "For the purchase of subsistence stores and commissary property, in addition to the unexpended balance of the last appropriation," $100,000,000. The balance undrawn on July 1 was $93,000,000.

The estimate for this Bureau was $177,000,000, and its actual expenses east of the Mississippi about $125,000,000, of which $90,000,000 was furnished, $67,000,000 in currency and $23,000,000 in certificates and bonds which the people are unwilling to receive, and a portion of which has not been disposed of, as the Treasury price of bonds is now 20 per cent. above market price, and there is no law to force the people to take these bonds, so that the Treasury has furnished the currency for less than two-thirds of the expenses of the Bureau. This Bureau has received about one-fourth of its amount in bonds, which is as much if not more than its fair proportion.

The appropriation asked for, for the present six months, is $120,000,000, or a per diem of $774,000 for the 155 working days, of which a per diem of $370,000 is paid—less than half. The Secretary of the Treasury has fallen into a singular error of making a per diem of $383,000 instead of the above $774,000 (caused probably by his mistaking the estimate for six months for one for twelve months).

It having been demonstrated that even with the aid of some impressments (partially submitted to by the patriotic), funds adequate to make purchases and impressments could not be obtained, and that arrearages and indebtedness increased to such an extent that credit no longer availed, this Bureau was forced to the conviction that without this aid of impressment and with the unlimited exaltation of prices (the alternative of enforcing impressment) there could not be funds adequately furnished to procure essentials—bread and meat; therefore some curtailment was necessary and inevitable. The Secretary of the Treasury was called on by me last summer and I invited his attention to the alternative of exaltation of prices without limit as the inevitable result of being forced to yield the aid of impressments, which had no power in law, and was being overthrown by the resistance of the people generally.

Shortly after the 5th of September I called and read him my circular of that date, a copy of which is herewith sent,* in which I discussed these matters and stated that the interest of his Department, of the currency, and the fate of the country, depended, I thought, on the principles of that circular being sustained, and that it should be made at once a subject of Government consideration. It certainly was a subject vital to his Department and my Bureau.

It affords this Bureau the highest satisfaction to be assured through the Honorable Secretary of the Treasury that on this point he has reason to hope that prompt measures of relief will be adopted.

I have the honor to be, sir, very respectfully, your obedient servant,

L. B. NORTHROP,
Commissary-General of Subsistence.

[First indorsement.]

JANUARY 19, 1865.

Respectfully referred to the Honorable Secretary of the Treasury inviting his attention to this letter of the Commissary-General,

*See p. 622.

which relates more to the operations of his Department than to those of this.

J. A. SEDDON.

[Second indorsement.]

JANUARY 28, 1865.

Respectfully returned to Honorable Secretary of War.

The most earnest appeals have been made to Congress for the supply of the Treasury, and the exertions of the honorable chairman of the Committee of Ways and Means invoked to procure early action on the subject.

G. A. TRENHOLM,
Secretary of the Treasury.

HEADQUARTERS YORK'S COMMAND,
Salisbury, N. C., January 17, 1865.

General R. E. LEE:

SIR: We have now in our camp between 600 and 700 recruits. The great obstacle has been the difficulty of procuring clothing and supplies from the quartermaster's department. We have also been interfered with by the recruiting officers of Lieutenant-Colonel Tucker. If we could have the exclusive privilege of recruiting in all the prisons for some weeks we have no doubt but that we could shortly muster a brigade composed of such material as would reflect no discredit upon our army. We hope that you will be so kind as to foster this enterprise and see that the necessary clothing, &c., be issued by the quartermaster's department, as we can do nothing without the uniforms.

Very respectfully, your obedient servant,

Z. YORK,
Brigadier-General.

[First indorsement.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
January 24, 1865.

Respectfully referred for the consideration of the War Department. I am ignorant of the reason that induced authority to be given to Lieutenant-Colonel Tucker and others. General York is recruiting for the Louisiana brigade.

R. E. LEE,
General.

[Second indorsement.]

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
February 7, 1865.

Respectfully submitted to the Honorable Secretary of War. The authority to Lieutenant-Colonel Tucker was granted before Brigadier-General York was authorized to recruit for his command. It is understood that Lieutenant-Colonel Tucker has completed his enlistments, unless he be authorized to recruit another company to form a regiment.

By order:

JNO. BLAIR HOGE,
Assistant Adjutant-General.

[Third indorsement.]

FEBRUARY 11, 1865.

ADJUTANT-GENERAL:

A privilege was granted to Lieutenant-Colonel Tucker to complete his regiment some day or two ago. If that enterprise be deemed of less importance than the one herein mentioned, it might be proper to recall that order. Your opinion upon this is desired. No other authority has been given.

By order:

J. A. CAMPBELL,
Assistant Secretary.

[JANUARY 17, 1865.—For resolutions of the General Assembly of Virginia, in reference to placing General Lee in command of all the armies of the Confederate States, and reply of Jefferson Davis to letter transmitting the same, see Series I, Vol. XLVI, Part II, pp. 1084, 1091.]

[JANUARY 18, 1865.—For Davis to Clark, urging extraordinary exertion to re-enforce General Taylor, see Series I, Vol. XLV, Part II, p. 794.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 19, 1865.

Maj. Gen. HOWELL COBB,
Augusta, Ga.:

GENERAL: Your several letters advising strongly resort to a system of volunteering and the formation of new organizations, instead of reliance on the operations of the conscript law, for the increase of our forces, have had my anxious consideration, and have been submitted for the judgment of the President.

On the scores of policy and equity, having reference as well to the sentiments and interests of those already in the armies as of those still out of service, it has been concluded that such new organizations should not be invited or allowed. Besides, without additional legislation there would be no authority in all those portions of the Confederacy accessible to enrolling officers to allow such voluntary organizations, and it is very doubtful whether, in view of the opposition entertained to them by most of our leading generals, such legislation could be procured.

Dismissing, therefore, that mode of increasing our forces, it is of urgent necessity that you should adopt all practical means and employ your best energies in carrying out thoroughly the conscript law in your State. Although you have, in pressing your views, not shrunk from the implication of confessing failure, I am satisfied no such failure will result, on your directing your own special attention and efforts to insure success.

It is represented that there are very large numbers of men in your State who have escaped conscription through the remissness, inefficiency, or connivance of the enrolling officers. As a class, these officers in your State are said to have been peculiarly incompetent, and that it is very difficult to obtain others adequate.

In this State advantage has been found by General Kemper, who has been actively enforcing conscription, in having all retired officers capable of service and supernumeraries report to him, and using them. By selections from them and among the reserves, where many intelligent men of influence are now ranged, he has much improved the corps of enrolling officers in this State. Thinking it probable you might derive benefit from a like command of invalid and supernumerary officers, I have caused an order to be issued requiring all such in your State to report to you for assignment, and I would advise you to substitute the more active and intelligent among them for the enrolling officers you have had, sending all the latter capable of active service to the field.

Our late reverses and the despondency they have caused will be best remedied by strengthening our armies, and no duty at this time is more important and imperative than the energetic enforcement of our conscript laws. The Department has full confidence in your appreciation and execution of it.

Very truly, yours,

JAMES A. SEDDON,
Secretary of War.

OFFICE CHIEF COMMISSARY OF SUBSISTENCE,
SECOND DISTRICT OF VIRGINIA,
Charlottesville, January 20, 1865.

Maj. B. P. NOLAND,
Chief Commissary of Subsistence, Virginia:

MAJOR: I have just received a letter from Capt. Thomas R. Foster, assistant commissary of subsistence, third division of my district, in which he says:

> I have great difficulty in my own mind to know what I ought to do under existing circumstances. I know the Government needs every hoof in my division, yet I do not feel that I would be doing the farmers justice to take their stock unless I knew where or when the pay would come. I now owe the people $40,000 or $50,000 in gold and greenbacks. Have written you several letters setting forth my difficulties. Have received no answer, and consequently have nothing to base a promise upon, and now think it best to retire from the market until I know something definite in regard to my future supply of funds.

In the several replies I made to Captain Foster's letters (none of which he seems to have received at the writing of the above) I have informed him that I have regularly sent him all the specie and U. S. currency that have come into my hands; that I had no means of knowing to what extent the Subsistence Bureau could command these funds, but that all I could do would be done to keep him supplied with the funds necessary to work his division. When I first took charge of the district, funds other than C. S. notes were needed only immediately along the enemy's border. Indeed, at a few miles distant therefrom the people not only received Confederate money readily, but felt themselves open to the suspicion of disloyalty if they took greenbacks. This is no longer the case. The people for a belt of several counties along the Potomac now refuse to take anything but U. S. currency, cotton, or gold. These are the only counties in my district from which any considerable amount of meats are gotten, and it seems to me of the utmost importance that my officers should be supplied not only with funds to meet their present indebtedness, but to make future purchases. I am not informed of the difficulties that

attend the efforts of the Bureau in furnishing its officers funds. I can only say that no requisition that I have made since the 1st of April last has been fully met. Without funds, with a credit impaired by a failure to comply with past obligations, and restricted to a low schedule of prices, it is impossible for the officers of my district to compete with the agents of other bureaus and speculators.

Respectfully, your obedient servant,

R. W. N. NOLAND,
Major and Chief Commissary of Subsistence, 2d Dist. of Virginia.

[First indorsement.]

OFFICE CHIEF COMMISSARY OF SUBSISTENCE FOR VIRGINIA,
Richmond, January 23, 1865.

Respectfully referred to the Commissary-General of Subsistence.

The subject referred to in this letter is a most important one. The supply of meat in the accessible counties of Virginia has been for many months exhausted, and most of that used by the Army of Northern Virginia is brought from beyond our military lines. It can only be obtained with gold or U. S. paper currency. The supply of gold under the control of the Subsistence Department is exhausted, and no considerable supply of U. S. paper currency can be had. It is not in the country, and our purchasing officers are now in debt for supplies already sent forward, and report that the amount to be obtained of cattle, hogs, &c., is only limited by the amount of funds to be obtained. At present purchases are suspended for the want of means, and unless some steps are speedily taken to get a supply of such money as can be used for this trade these large supplies of meat will be lost to the Army. We are receiving now at least 1,500 cattle and as many hogs per month, besides bacon, lard, &c., from this source, and I therefore respectfully and urgently recommend that the necessary arrangements be made for the supply of the funds needed.

B. P. NOLAND,
Major and Chief Commissary of Subsistence for Virginia.

[Second indorsement.]

OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
Richmond, January 24, 1865.

Respectfully referred to the Secretary of War with the inclosed letter from Captain Taylor as matters of vital and immediate importance.*

L. B. NORTHROP,
Commissary-General of Subsistence.

[Third indorsement.]

JANUARY 24, 1865.

Respectfully referred to the Honorable Secretary of the Treasury. If specie or Federal currency could be commanded the difficulty in obtaining subsistence stores would, as the within shows, be greatly diminished.

J. A. SEDDON,
Secretary of War.

*See Taylor to Noland, January 6, p. 1005.

TREASURY DEPARTMENT,
January 21, 1865.

Hon. F. S. LYON,
Chairman, &c.:

SIR: Permit me to press upon your attention the necessity of prompt action upon the measures for the relief of the Treasury. The maximum amount of notes to be issued under the act of 17th of February, 1864, is $500,000,000; the amount issued and to be issued under drafts already drawn upon the Bureau at Columbia is $468,000,000; amount still available, $32,000,000.

The fall of Fort Fisher having closed the harbor of Wilmington, the demand for the new taxable bonds (the coupons of which were used in payment of duties) has greatly diminished, and the sales from the Treasury ceased altogether. The only source from which relief can be expected under existing circumstances is from taxation, aided by the proposed action of the States in anticipating the collection thereof. I earnestly recommend this important subject to your immediate attention.

Your most obedient servant,

G. A. TRENHOLM,
Secretary of the Treasury.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, January 23, 1865.

The attention of officers and soldiers is called to the following act of Congress and regulations based thereon:

AN ACT to provide commissioned officers of the Army and Navy and Marine Corps with clothing.

The Congress of the Confederate States of America do enact, That all officers of the Army, Navy and Marine Corps, on duty in the field, afloat or in batteries, and all officers on other duty who are disabled for the service in the field, by reason of wounds or disease contracted in the service, and officers of the Invalid Corps, on duty, below the rank of brigadier-general in the Army, and below the rank of captain in the Navy, shall be furnished once in every year with one complete suit of uniform clothing: *Provided*, That the quantity and quality of clothing to be delivered to non-commissioned officers and privates, seamen and marines under existing or future laws, shall in nowise be interfered with by reason of anything contained in this act; and in the distribution of clothing, officers on duty in the field shall, in all cases, have a preference over those on post, or detailed, or office duty, so that when there is not a sufficiency of clothing for all, the non-commissioned officers and privates shall be first served, and next to them the officers actually on duty in the field.

Approved January 16, 1865.

A true copy.

JAS. M. MATTHEWS,
Law Clerk.

OFFICERS.

1. The above act, after securing a supply to soldiers, prefers officers below the rank of brigadier-general, as follows: First, officers on duty in the field; next, officers on duty, disabled for service in the field by reason of wounds or disease contracted in the service, and officers of the Invalid Corps on duty, all of whom draw free of cost; and, lastly, permits other officers to purchase, as heretofore, under the provisions of the old act of February 17, 1864.

2. Care will be taken to observe these preferences. To that end orders will not be given hereafter at this office, under any circumstances, for the purchase of cloth or any article of clothing or for the issue of same.

3. Officers in the field will be supplied through the chief quartermaster of the command to which they may be attached. When the supply will permit, cloth will be apportioned between the armies in the field according to their strength, and will be placed at the control of the chief quartermaster thereof, who will be looked to to distribute the same to the officers entitled and most in need. Other articles of clothing, not exceeding in all one suit a year, may be issued to officers in the field from stores forwarded to the command to which they belong when the wants of the privates will admit.

4. Other officers will draw or purchase, as the case may be, from the nearest depot, but from such supplies only as may be set aside, from time to time, by direction of this office. Mr. Rankin, bonded agent of this department, corner of Fourteenth and Cary streets, will be charged with the duty of issuing and selling, at this point, cloth and articles of clothing to officers. When he has nothing for sale or issue it will be useless to make application elsewhere in this city, all other officers being prohibited from either selling or issuing.

5. The yearly suit of clothing for an officer will consist of a coat and pair of pants or material (four yards, double width), and trimmings therefor, one pair of shoes, one hat or cap, three pair of drawers, three cotton shirts, two flannel shirts, and four pair of socks. Issues on sales to officers will be noted on suitable rolls prepared for that purpose, and in every case the officer shall certify that the articles drawn or purchased are necessary for his own personal comfort and use and that the same will not be in excess of his prescribed allowance. Returns of such issues or sales will be made quarterly to this office. The price of cloth, when sold, will be $20 a yard, double width, and of other articles of clothing as fixed in general orders.

PRIVATES.

6. Men attached to commands in the field will be supplied there, and men who have been retired at the post at which they may be located in orders. Issues to men on furlough and on horse details have been suspended. Men in hospital will be supplied by the issuing quartermaster attached to. All detailed men in Richmond and the immediate vicinity are supplied through Mr. Rankin. Paroled and exchanged men draw at Camp Lee.

7. The interest of the service and the dispatch of public business require that these regulations shall be strictly observed.

A. R. LAWTON,
Quartermaster-General.

[JANUARY 23, 1865.—For Brown to Davis, reporting that the reserve militia of Georgia, over fifty years of age, has been ordered out, see Series I, Vol. XLVII, Part II, p. 1038.]

[JANUARY 23, 1865.—For Clark to Brandon, in relation to transfer of the militia of Mississippi, between seventeen and fifty years of age, to the Confederate service, see Series I, Vol. LII, Part II, p. 810.]

EXECUTIVE OFFICE,
Richmond, Va., January 24, 1865.

GENTLEMEN OF THE "JOINT COMMITTEE ON THE STATE OF THE COUNTRY:"

I have the honor to acknowledge the receipt of resolutions adopted by the General Assembly of Virginia in relation to certain restrictions said to have been placed on the transportation of supplies of food to the cities of Richmond and Petersburg.

Upon investigation I find that no orders have emanated from the War Department or the provost-marshal of Richmond of the character supposed in the resolution. I, however, learn that there may be an order of the character spoken of emanating from the lieutenant-general commanding the Confederate forces on the north side of the James River, which, if so, will be ascertained at once, he having been furnished with a copy of the resolution and called upon for information touching the same.

I am, gentlemen, very respectfully, your most obedient servant,
JEFFERSON DAVIS.

RICHMOND, *January 24, 1865.*

Hon. JAMES A. SEDDON:

SIR: Impressed with the importance of placing in the Army every man capable of bearing arms, and of recruiting our forces from any source where recruits can be had, and believing it to be the duty of those who advocated secession and war to prove their faith by their works, I would most respectfully ask that I may be allowed to enter the Army of the Confederate States with such rank as the President may think proper to confer.

I would prefer as the field for my operations Arizona and New Mexico, where I feel assured troops in considerable numbers may be raised. In my opinion the surest and speediest means for recruiting in those Territories would be to organize a force in the spring and make a sudden move upon Arizona and occupy it, then send into the mines and recruit from among the miners, the greater part of whom are Southern men, and at the same time organize the Mexican population, who would join us in considerable force, making, between the two, such a force as to hold the Territories unless a very strong force was sent against us, and in that event we could at any time fall back into Texas.

That the troops for this purpose could be spared from Texas I have no doubt, there being at the present time a large cavalry force in that department not occupied and who might be spared, as the move would make a diversion of the enemy's troops in favor of Missouri, should we move against that State in the spring. The enemy's forces now occupying those Territories are scattered over an extent of country 1,500 miles in length and they could not concentrate their forces in time to prevent us from occupying the country, and by using the numerous Indian tribes living on the Overland route to Santa Fé that line of communication could be so interrupted as to make any re-enforcements over that route very hazardous and uncertain, while a small force could prevent re-enforcements from crossing the desert from Fort Yuma across to Tucson. The Territories, once in our possession, could be held against any force the enemy would be likely to

send against us; and communication once opened with Southern California we might reasonably expect re-enforcements from that country, it being settled almost entirely by Southern people.

As to the means for carrying out this expedition they can be furnished from the cotton which is in Texas in abundance; and to insure the speedy transportation and sale of such amount of cotton as may be necessary it should be turned over to the officer to command the expedition as he would find means of transportation more readily than to rely upon the uncertain means furnished by the Cotton Bureau, which has so far not been characterized by great celerity in the transportation of Government cotton. Should General Smith decide that the cotton in sufficient quantity could not be spared, I would suggest that Texas has another means of raising specie which could be made available, and that is by the sale of beef-cattle; thousands can be collected in Western Texas and easily driven into Mexico and sold for specie. There are a number of refugees from New Mexico and Arizona who would not hesitate to contribute means for the recovery of their homes; among them are men of wealth who have offered assistance.

Once in the Territories, which are now abundantly supplied with goods, enough property could be confiscated for the use of the Government to defray the expenses of the troops, and as the United States Government is now working numerous silver mines I see no reason why we might not control the same mines and make them yield a revenue for our purposes.

It is essential that the officer in command should be clothed by the President with authority to organize such troops as may be raised, and especially to select proper persons to command them, and at the same time to organize some kind of civil government. Should this plan for recruiting and reoccupying those Territories meet your approbation I would respectfully suggest that no time is to be lost, as the movement should be made as early as possible.

Should the Government determine that it is impracticable at this time to spare the men and means necessary for such a purpose as I have indicated, then I would suggest that proper persons sent into Western Arizona could raise enough troops to justify the expedition.

It will be remembered that there has been no attempt to recruit for our Government in this section of the country, and so strong is the Southern feeling in Southern California that the United States Government has never succeeded in enforcing the conscript law or draft there. The people, never having felt the ravages of war, are enthusiastic and would not hesitate to join us in this struggle for independence. Should you think proper to honor me with a commission for the enterprise I have suggested I can only say that I will, as I have ever done, serve my country with all the zeal and ability I possess.

I have the honor to be, very respectfully,

JNO. R. BAYLOR.

Proclamation by the President, appointing a day of fasting, humiliation, and prayer, with thanksgiving.

The Congress of the Confederate States have, by a joint resolution, invited me to appoint a day of public fasting, humiliation, and prayer, with thanksgiving to Almighty God.

It is our solemn duty at all times, and more especially in a season of public trial and adversity, to acknowledge our dependence on His mercy, and to bow in humble submission before His footstool, confessing our manifold sins, supplicating His gracious pardon, imploring His divine help, and devoutly rendering thanks for the many and great blessings which He has vouchsafed to us.

Let the hearts of our people turn contritely and trustingly unto God; let us recognize in His chastening hand the correction of a Father, and submissively pray that the trials and sufferings which have so long borne heavily upon us may be turned away by His merciful love; that His sustaining grace be given to our people, and His divine wisdom imparted to our rulers; that the Lord of Hosts will be with our armies and fight for us against our enemies, and that He will graciously take our cause into His own hand and mercifully establish for us a lasting, just, and honorable peace and independence.

And let us not forget to render unto His holy name the thanks and praise which are so justly due for His great goodness and for the many mercies which He has extended to us amid the trials and suffering of protracted and bloody war.

Now, therefore, I, Jefferson Davis, President of the Confederate States of America, do issue this my proclamation, appointing Friday, the 10th day of March next, as a day of public fasting, humiliation, and prayer (with thanksgiving) for "invoking the favor and guidance of Almighty God," and I do earnestly invite all soldiers and citizens to observe the same in a spirit of reverence, penitence, and prayer.

Given under my hand and the seal of the Confederate States, at Richmond, this 25th day of January, in the year of our Lord one thousand eight hundred and sixty-five.

JEFFERSON DAVIS.

By the President:

J. P. BENJAMIN,
Secretary of State.

RICHMOND, VA., *January 25, 1865.*

THE SENATE OF THE CONFEDERATE STATES OF AMERICA:

I return to your honorable body without my approval an act which originated in the Senate, entitled "An act to authorize newspapers to be mailed to the soldiers free of postage."

The act provides "that all newspapers directed to any officer, musician, or private engaged in the actual service of the Confederate States may be transmitted through the mails free of postage."

The Constitution, article I, section 8, clause 7, gives power to Congress "to establish post-offices and post routes; but the expenses of the Post-Office Department after the 1st day of March, in the year of our Lord 1863, shall be paid out of its own revenues."

This provision that the Post-Office Department shall be self-sustaining was not contained in the Constitution of our former Government. It is important that its spirit and object should be correctly determined now, because many members of the present Congress were also members of the Provisional Congress, which adopted this new clause, and legislation by them will be deemed hereafter to possess peculiar value as a precedent, and as a contemporaneous interpretation of the Constitution by those best acquainted with its meaning.

It was generally understood that the clause under consideration was intended by its framers to correct what were deemed to be two great vices that had been developed in the postal system of the United States. The first was the injustice of taxing the whole people for the expense of the mail facilities afforded to individuals; and the remedy devised was to limit the Government to the furnishing the machinery for carrying the mails and compelling those who might use the facilities thus furnished to pay the expense thereof.

The second evil against which this clause was intended as a safeguard was the wasteful extravagance which grew out of the franking privilege, with its attendant abuses of large contracts for stationery, printing, binding, &c., and increased Government patronage with its train of corrupting influences.

With this knowledge of the purpose of the framers of the Constitution, and of the evils against which they intended to provide by the clause under consideration, I cannot escape the conclusion that to authorize the transmission of any mail matter free of postage is to violate the true intent and meaning of the Constitution.

If the act now before me should become a law, the Postmaster-General would be bound to pay railroads and other carriers for conveying newspapers to the armies without reimbursement from any source whatever. He could not be repaid out of the general Treasury without a violation of the letter of the Constitution, nor out of the other revenues of his Department without in effect imposing on those who pay for carrying their own correspondence an additional charge to defray the cost of conveying newspapers for others.

If it be competent for Congress under the clause to order newspapers to be carried free of postage, the power exists to order free transmission of any other mail matter. But we must ever remember that Congress can exercise no implied powers—certainly none not necessary to carry into effect the powers expressly granted; and where shall we find in the Constitution any power in the Confederate Government, express or implied, for dividing either the people or the public servants into classes unequally burdened with postal charges?

In that part of the Constitution which specially treats of the burden of taxation, every precaution has been taken to secure uniformity and to guard against bounties or preferences of any kind; and although not directly applicable to the subject of postage, the spirit of the whole provision is so opposed to inequality in legislation that the passage may well serve for illustration. The first clause of article I, section 8, gives to Congress power "to lay and collect taxes, duties, imposts, and excises for revenue necessary to pay the debts, provide for the common defense, and carry on the Government of the Confederate States; but no bounties shall be granted from the Treasury; nor shall any duties or tax on importations from foreign nations be laid to promote or foster any branch of industry; and all duties,

imposts, and excises shall be uniform throughout the Confederate States." It is true that the payment of postage is not properly a tax, but compensation for service rendered; yet it would scarcely be ingenuous to deny that so to regulate the rates of postage as to produce an excess of receipts over the expense of carrying mail matter for one class and to use this excess in order to carry free of cost the mail matter of another class would strongly conflict with the just equality of privileges and burdens which the above-cited clauses were designed to secure.

I regret to be compelled to object to a measure devised by Congress for the benefit or relief of the Army, but with my convictions on the subject it is not possible to approve the act now before me.

JEFFERSON DAVIS.

RICHMOND, VA., *January 25, 1865.*

Governor CHARLES CLARK,
Macon, Miss.:

Your telegram of 20th received.* There is no necessity for an actual enrollment of male slaves as described; all that is required being that the quota for teamsters, laborers, &c., with the Army should be furnished, which may be done by the masters without the direct intervention of the enrolling officers. If the nature of employment is understood, certain negroes will no doubt go willingly; or, if the master prefers, they may obtain the required number elsewhere and turn them over for the service proposed.

JEFFERSON DAVIS.

[JANUARY 26, 1865.—For agreement between Governor Smith and the Secretary of War, in relation to certain militia regiments of Virginia, see Series I, Vol. XLVI, Part II, p. 1140.]

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, January 27, 1865.

Hon. Mr. MILLER,
Chairman Special Committee:

SIR: I submit herewith, in response to your recent call, a report which shows the issues within the past six months to the armies in the field. A little delay has occurred awaiting receipt of reports of issues due from distant points in the Confederacy. The report shows the issues to General Lee's command from July 1 to January 21, and to other commands from July 1 to January 1, except that the report of issues for the Department of Alabama, Mississippi, and East Louisiana are still due for the month of December. I was gratified that information now given was asked, for the impression is so common that our armies are poorly provided for that I gladly avail of an opportunity to show what has been done.

I inclose also a copy of General Orders, No. 100, 1862, which regulates the allowance of clothing yearly.† This table of supply adopted

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*Not found.

†See Vol. II, this series, p. 229.

from the old service was made with reference to abundant resources and doubtless shows what will answer the necessities of a soldier with fair economy and management. This department has never aimed to limit its issues to this standard, especially in regard to jackets and pants, but has endeavored to provide a suit of clothing every six months for each man. When it is considered that the issues now reported are field issues proper, and exclusive of issues to men in hospitals, of issues to men on furlough, of issues to detailed men at posts, of issues to paroled and exchanged men, of issues to retired men, and of all post issues whatever, it will be found, I think, that with the exception of overcoats, which have not been made up, owing to the great consumption of woolen material for jackets and pants, and the item of flannel undershirts but partially supplied, the armies have been fully supplied. I don't hesitate to say that in some instances, there has been extravagance, and moreover that much of the individual want that strikes the eye is due to the improvidence of the soldier, who too often disposes by sale and barter of what he has received. It is proper to add that this report includes but a portion of the issues made by the State of North Carolina to her troops, and no other State issues whatever, although it is known that other States have contributed liberally. Georgia, for instance, has issued within the past year as follows: Twenty-six thousand seven hundred and forty-five jackets, 28,808 pair of pants, 37,657 pair of shoes, 7,504 blankets, 24,952 shirts, 24,168 pair of drawers, and 23,024 pair of socks; but as the apportionment thereof between the various armies does not appear, these issues are not noted. Add to all the issues made by numerous relief associations and through individual contributions and it will show that in the past we have at least needed an economical expenditure and proper distribution of supplies more than anything else to secure the comfort and efficiency of our armies. The issues of shirts, drawers, socks, and caps may in some instances appear light. This is due to the fact that in previous quarters, through the abundance of these articles, the troops have been fully supplied. It has always been understood that all calls for these articles could be responded to, and of some there is still a large supply on hand; for instance, in the department at this point over 100,000 pair of socks and 25,000 pair of drawers, besides excesses elsewhere.

In connection with the table of supply referred to, I will remark that the first year is reckoned to commence from October, 1862, when commutation was abolished, so that now we are in the third year.

I will also add, as supplemental to the report recently made in regard to the sale of cloth, that the depot officer at Montgomery, Ala., has disposed of 7,000 yards single width, and that 1,000 suits are now being made up here for the officers of General Lee's command. This, with what has already been reported, shows that provision has been made for 6,000 officers within the past six months.

Very respectfully, &c.,

A. R. LAWTON,
Quartermaster-General.

Issues of clothing to armies in the field.

	Jackets.	Pants.	Shoes.	Blankets.	Hats and caps.	Flannel shirts.	Cotton shirts.	Drawers.	Socks.	Overcoats.
Aggregate amount third and fourth quarters, 1864, and to January 21, 1865:										
General Lee's command in Virginia.	104,199	140,578	167,862	74,851	27,011	21,063	157,727	170,139	146,136	4,861
Aggregate amount third and fourth quarters, 1864:										
Army of Southwest Virginia.	3,340	2,500	6,856	4,924	3,230	1,440	13,694	15,475	12,353	1,000
Department South Carolina, Florida, and Georgia, General Hardee.	19,751	21,022	26,376	12,429	500	.....	19,264	20,571	26,719	594
Army of Tennessee.	45,412	102,864	[a]102,558	27,900	45,853	.....	61,860	108,937	55,560	.....
Department Alabama, Mississippi, and East Louisiana.	21,789	37,661	34,342	4,677	27,292	.....	10,095	3,831	15,458	.....
Department of North Carolina.	21,301	37,774	9,263	6,696	12,751	.....	23,354	22,519	15,059	200

[a] Also 7,000 captured by General Forrest.

[JANUARY 28, 29, FEBRUARY 14, and MARCH 5, 1865.—For correspondence between Governor Clark and General Taylor, in regard to calling out the militia of Mississippi and the transfer of State troops to Confederate service, see Series I, Vol. XLIX, Part I, pp. 939, 941, 979, 1029.]

RALEIGH, N. C., *January 29, 1865.*

His Excellency JEFFERSON DAVIS:

SIR: It is not to be presumed that the press of public duty leaves you much time to read private letters, nevertheless I suppose that should you find a moment's leisure you will not object to hearing the views of your countrymen, however humble, who are struggling with you for independence. How this war can be successfully managed, brought to a speedy and honorable end, bringing us independence, are questions that are upon every tongue. I propose to give you my plan briefly: Declare by law that every soldier who has or will enlist in our Army, and who at the time of such enlistment was not a slave-owner or land-holder, shall receive a bounty or pension at the end of the war, upon being honorably discharged, of one negro slave and fifty acres of land. I will state it thus: We have 3,500,000 slaves. We have probably enrolled 1,000,000 of men. Half these men are slave-owners, leaving 500,000 who do not own them. I would give one slave to each such soldier and fifty acres of land, and if he died in the service, to his representatives. Thus you spread the institution. You make every family in the Government interested in it. You do away with the doctrine that this is the rich man's war and the poor man's fight. And if the war is to continue you can make the slaves the very means of our defense—declare by law that all negroes captured from the enemy shall belong to the captors by general orders—declare to the enemy that all who will desert and enlist in our Army, take the

oath of allegiance and fight in our cause, shall have a negro and fifty acres of land upon being honorably discharged, and shall further have all the negroes which they can capture from the enemy, to be their own property at the end of the war. Lincoln has tempted thousands of men into his Army by offering reward. I now propose to outbid him, and as we have the most alluring means we shall get the most men. If we make it to the interest of the world to fight on our side, men from all quarters of the globe will take up arms in our defense. We can reduce Grant's and Sherman's armies one-half in numbers by desertions if we offer them the bait. We can enlist men from all quarters of the United States if we make it to their interest to come. In a word, we can buy out the armed forces of Lincoln, secure their service on our side. We can command thousands of men from Ireland, Germany, Poland, Austria, England, and France by offering them a home in the sunny South and a servant. We will thus avoid the trouble of arming slaves. We will remove the prejudices against the institution and bring all the world up to its support from interested motives. The slave-owners can well afford to give up to the soldiers who have and will fight to maintain the institution 1,000,000 of slaves to secure forever the other 2,500,000. The mode of getting the land and negroes to pay these bounties with would be by taxation in kind, by general laws to purchase, by donations to the Government, by capture, by enslaving the free negroes in the South, by taxation and contribution by State Legislatures if needed. With this system of laws wisely and properly regulated our people can be satisfied. Many of our farmers and mechanics can be released and sent home to attend to the industrial pursuits, and an army of 500,000 men can be put at General Lee's disposal to march where he pleases, and feed them on the front instead of looking to his rear for supplies.

Hoping, sir, that the wish of your heart, the independence of the South, may be speedily consummated,

I am, with great respect, your obedient servant,

J. W. ELLIS.

MONTGOMERY, ALA., *January 30, 1865.*

Maj. Gen. J. M. WITHERS:

SIR: I learn that Capt. John C. Brown has made application to you for authority to recruit and organize into companies such absentees and deserters in several of the counties of East Alabama as he may induce to do so. This is to say to you that I am solicitor for the judicial circuit in which those counties are situated, and am well acquainted with the facts which cause Captain Brown to make the request, and heartily approve of the project. Most of these deserters are between the ages of eighteen and forty-five years, and, so far as capacity to endure the hardships of the service, would make good soldiers. They are generally men who are conscribed and denied the privilege of selecting the regiment and company of their choice. This they considered an act of injustice, and it caused many of them to desert, and for the same reason they are now unwilling to return to their commands. But I learn that many of them have expressed a desire to join the Army if allowed to go into a new organization, and I have no doubt they would do so if the right kind of opportunity is afforded them. Besides the advantage that would accrue to the country in adding men to the Army, it would be doing a very great

service to the people of that section of the State if such an object could be accomplished. These men have in various instances banded together and committed serious depredations upon good citizens. They pillage, plunder, and steal horses and everything else that is of any use to them. In fact, they are a terror to the people. Last spring they burned the court-house at Elba, in Coffee [County], and murdered four of the best citizens of that county. They have also murdered several of the best citizens of Dale County. In some parts of that country it is exceedingly dangerous for a loyal man to travel.

As to Captain Brown, I have been well acquainted with him for years, and take pleasure in saying that I know of no one better fitted than him for such an undertaking. He is an experienced officer, bold, firm, intelligent, and of unswerving integrity.

Very respectfully, your obedient servant,

JAMES N. ARRINGTON,
Solicitor of the Eighth Circuit.

P. S.—I should have added that Judge Cochran, the judge of the circuit, stated to me that he would not hold court in Coffee and Dale Counties unless he is protected by the military. He has not held court in those counties for the last two years.

J. N. A.

MONTGOMERY, ALA., *January 30, 1865.*

Maj. Gen. JONES M. WITHERS:

SIR: Inclosed I send you a letter written by Judge Yelverton, of Elba, Coffee County, upon the subject of authorizing Capt. J. C. Brown to organize a battalion or regiment of men who are and have been for some time out of the reach of the Government as deserters and skulkers. I write this to say to you that I was the solicitor of the circuit embracing Coffee County, by virtue of my office as attorney-general, for near twenty years before the commencement of the war, and am now and have been since the war posted on the condition of things in that section, and am perfectly satisfied you could not do a better thing for that portion of the country and the advancement of our cause there than to confer the authority sought for by Captain Brown and his friends. No set of men were stronger for secession and more loyal at the commencement of the war than many of those men who are now deserters. What private griefs they have to take their present status I know not, except they are generally poor men, and there was much difficulty in the way of having their families provided for in their absence. This, added to the fact that they were assigned to companies in the service not of their choice, and the fact that they resided near the coast of Florida, from whence were occasional raids by the enemy, partly prompted them to take the position as deserters. Considering that they had perhaps forfeited their lives, and their characters ruined, many of them, I understand, have been giving the enemy not only aid and comfort, but actually fighting against us. Many of them desire to return if they can be allowed to join in an organization by Captain Brown, whom they all know. He lives among them, and they know him well, and know that he is a high-minded, brave, and generous man. That section has suffered much in the loss of some of our best citizens by the hands of the Yankees, aided by these deserters. These men will never go back to

their old organizations if they can help it; and if they are not brought in in this way we will not only lose that number from our ranks, but will have them fighting against us. You may judge of the exposed condition of the country in that section when I tell you that I understand from the solicitor of that circuit now, J. N. Arrington, esq., that the presiding judge of that circuit refuses to hold the courts down there unless he has a military escort to protect him against the deserters and skulkers. That judge is the Hon. John Cochran, whom you know—a man not likely to ask for anything of that sort unless there was real danger. If this authority is given Captain Brown I have no doubt he can induce several hundred to return to our ranks, enough to defend that section and some sent elsewhere. These deserters are frequently between eighteen and forty-five, stout and healthy, brave, and understand the use of fire-arms. I hope you may grant the authority requested. I have not the least doubt that those higher in authority than yourself would approve the project if they understood the facts of the case thoroughly.

Very respectfully, your obedient servant,

M. A. BALDWIN,
Attorney-General of Alabama.

[Inclosure.]

COFFEE, *January 15, 1865.*

Col. M. A. BALDWIN:

DEAR SIR: Our mutual friend, Capt. J. C. Brown, visits General Withers on business very important. He has on foot a project for bringing in and organizing a battalion or regiment of men who are and have long been out of reach of the Government—deserters, skulkers, &c. Captain B[rown] received from Major-General Withers authority to accept them, organize them, &c., and by the time he got to work was ordered off to Pollard, Mobile, &c., but has now 100 in readiness, with full assurance of all that is out down this way and to the coast—2,000 or more—if he can be so fortified as to assure them that he can hold and command them, not have them sent off in every direction. They are tired of the woods and swamps, and could be made good soldiers if they can be humored, and without it they are lost. Brown could gradually work them into any service required. He is the man for it. They fear and respect him. Go with him to General Withers and do all you can. It will aid the Government and rid the country of a continual terror, and, I think, stop desertion and hiding out down this way. Many of them, [who] have been highly respectable, ran off and hid out after supporting the Government, serving in the field, and putting in substitutes, and feel that they were badly treated. Many, too, who have been for months with the Yankees, can be reclaimed. If General W[ithers] has not authority, get him to make application to the War Department. It will not do for Brown to go any further without Government authority. His life and property would be open to them. They have been told that it is a trap set for them, and many have threatened him if it fails. I hope it may be arranged safely. Captain B[rown] is well worthy of the promotion, and can easily succeed if permitted. He is yet suffering from his wound and on furlough.

Respectfully,

G. T. YELVERTON.

TREASURY DEPARTMENT,
January 30, 1865.

MR. PRESIDENT:

I have the honor to inclose and submit to your consideration a letter* addressed to the Commissary-General by Major Noland, urging the necessity of supplying gold or U. S. Treasury notes for the purchase of supplies. Having informed the Commissary-General that the resources of the Treasury did not admit of the payment of specie in satisfaction of requisitions, he requested that the whole matter might be referred to you as one of "vital and immediate importance." In the meantime several cargoes of commissary stores have been received at Charleston, and contracts have been made for the introduction of supplies at other points through the enemy's lines, to be paid for in cotton.

I have the honor to remain, your obedient servant,

G. A. TRENHOLM,
Secretary of the Treasury.

CONFEDERATE STATES OF AMERICA, EXECUTIVE OFFICE,
Richmond, Va., January 31, 1865.

HONORABLE SECRETARY OF WAR:

SIR: I have the honor, by direction of the President, to forward for your attention and the proper action a copy of a resolution of the House of Representatives of the 30th instant, as follows:

Resolved, That the President be respectfully requested to communicate to this House: First, the number of soldiers from each State added to the military service by enrollment, volunteering, or otherwise since the enactment of the act of April 16, 1862, commonly known as the "conscript act;" second, the number of those within the conscript age, exempt, or detailed, discriminating as to the classes of each, in each State; third, the number of those within the ages of eighteen and forty-five years not disabled or unfit for active service in the field who are employed in the respective States in executing the law of conscription, or in connection with post commissaries and post quartermasters, or otherwise in derogation of existing laws.

Very respectfully,

BURTON N. HARRISON,
Private Secretary.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., January 31, 1865.

THE PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the Senate, referred by Your Excellency to this Department:

Resolved, That the President of the Confederate States be requested to communicate to the Senate the information asked for in the resolution of the Senate adopted on the 17th day of November last as to the number of persons in each State exempted from military service by reason of being claimed as State officers, and also the further information in response to the resolutions of the Senate of the 9th day of November last as to the number of exemptions and details for express, telegraphic, and railroad companies, &c., which the chief of the Bureau of Conscription stated in his letter communicated to the Senate in partial response to said resolutions was then being procured.

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*See R. W. N. Noland to B. P. Noland (with indorsements), January 20, p. 1031.

In response I have the honor to transmit herewith a report from the acting superintendent of conscription giving the information called for by the Senate, and stating the reasons which have caused the delay in replying to the resolution.

Very respectfully, your obedient servant,

JAMES A. SEDDON,
Secretary of War.

RICHMOND, VA., *February 1, 1865.*

Hon. J. A. SEDDON:

MY DEAR SIR: You are too well acquainted with the reasons which have delayed my answer to your letter of the 18th ultimo* to need any explanation on the subject, and must be too well assured of my warm personal regard and official confidence to render necessary any expression of the regret I feel at being deprived of your aid and counsel at this critical juncture in our affairs.

I have hoped that further reflection would induce a change in your views, but as this has not been the case I am not at liberty to question the reasons for your decision. It is a matter exclusively for your private judgment whether you should be controlled by an expression of opinion on the part of the Virginia delegation in Congress that it would be advisable to "reorganize my Cabinet by relieving all the present heads of departments." I have no choice but to acquiesce in your conclusion that you cannot longer fill your present position without impaired usefulness, nor without doing violence to your own feelings.

I cannot, however, recognize the propriety of your decision, because I cannot admit the existence of a power or right in the legislative department of the Government or in any part or branch of it to control the continuance in office of those "principal officers in each of the executive departments," whose choice the Constitution has vested in the Chief Magistrate; whose advice in writing he is empowered to require, and whose tenure of office is exceptional, being made to depend expressly on "the pleasure of the President." The relations between the President and the heads of the executive departments are, from these, of the closest and most intimate character; they imply mutual confidence and esteem and a general concurrence of opinion on administrative policy, and it is not a constitutional function of the legislative department to interfere with these relations; nor can it be assumed that a change of the heads of departments would alter the administrative policy of the Government without also assuming as true the injurious supposition that the President has permitted them to pursue a policy at variance with his own, and has thus failed to do his own duty as chief of the executive department.

The notion that under our form of government an expression by the legislative of want of confidence in the executive department is an appropriate exercise of constitutional power and should cause a change in the Cabinet is quite unfounded, and it is not difficult to see that it arises from a false analogy, that most fertile source of error. In Great Britain a vote of the House of Commons expressing a want of confidence in the ministry has a controlling influence because the Parliament governs. With us it is the reverse. The two cases are so distinct as to be opposite rather than parallel to each other. In Great

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*Not found.

Britain the ministry are the executive government. The Sovereign rules but does not govern. In the Confederacy the heads of departments neither rule nor govern. In Great Britain the Sovereign is irresponsible and "can do no wrong," and the ministry alone are responsible. In the Confederacy the President may do wrong and is responsible for so doing. The remedy for his wrong-doing is impeachment by the House of Representatives. The Senate is without power even to impeach and can only act as judges when the House impeaches.

In Great Britain, the crown being hereditary as well as irresponsible, the control of the people over the policy of the Government consists in refusing, by their Commons, the grant to the Sovereign of supplies necessary for carrying on the Government. In the Confederacy the people choose the President as well as the Congress, and by giving him a term of six years and making the tenure of office of the Cabinet "his pleasure" have debarred themselves from the power of enforcing any change of administrative policy during that time. It is known that this lengthened term of six years without re-eligibility was conferred by our Constitution on the Executive for the express purpose of imparting stability to the Government and of withdrawing all motive for courting popular favor at the expense of duty.

In Great Britain the ministry are members of the legislative department, originate laws, guide administration, exercise the appointing power to all offices (the sovereign power being in practice purely nominal), are apprised in advance of the grounds of a proposed vote of want of confidence, and have the power and means of defending themselves. In the Confederacy the exact reverse of all this is the case, and the heads of departments are not even admitted to the right of debate on subjects appertaining to their departments as contemplated by the Constitution.

In Great Britain, even after a vote of censure, the ministry may dissolve Parliament and appeal to the country, which has not unfrequently reversed the vote. The Commons are thus restrained from factions or unfounded charges by the responsibility of making them at the peril of being discountenanced by the people, and thus losing their own seats. In the Confederacy the exact reverse of all this is again the case, and a vote of want of confidence would be free from all salutary restraint or responsibility.

It is needless to continue this exposition. It is too clear for doubt that the legislative and executive departments deriving equally their existence from the votes of the people, it would be quite as proper for the executive department to express want of confidence in the legislative department as for the latter to express distrust in the former.

In stating these views nothing is further from my intention than to deny to enlightened public opinion, where deliberately formed after knowledge of facts, its just and legitimate influence.

Such public opinion is almost invariably correct, and can rarely be disregarded without injury to the public weal. My purpose is simply to deny that the declaration of a State delegation, or even a vote of one or both Houses, is entitled to be considered as the authentic expression of such opinion or as requiring concession from a co-ordinate department of the Government.

I have been led into this digression by the peculiar circumstances which have given rise to your resignation. They are without precedent. I cannot, however, refuse to relieve you from duties which the action of your State delegation has rendered distasteful to you. That

you have devoted yourself with entire singleness of purpose to the public welfare; that your labors have been incessant, your services important, and your counsels very valuable to myself and to your colleagues, would be as readily attested by them as by myself. The regret that our official relations now end is relieved by the reflection that you will be near me, and by the assurance that I can ever call on you with confidence for any aid that you can render in private life.

Our personal relations, so pleasant during our official intercourse, will not, I trust, be interrupted, and you carry with you in your retirement my warmest wishes for your health and prosperity.

With cordial esteem, your friend,

JEFFERSON DAVIS.

HDQRS. GEORGIA RESERVES AND MIL. DIST. OF GEORGIA,
Macon, Ga., February 1, 1865.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: I beg leave to call your attention to the inclosed communication from the commandant of conscripts for this State. The importance of correcting some of the evils complained of cannot be too strongly impressed upon your mind. It is useless to repeat my views on the subject of the conscript law, as I have already presented them to you in full and earnest letters,

I am, very respectfully, yours, &c.,

HOWELL COBB,
Major-General.

[Indorsement.]

BUREAU OF CONSCRIPTION,
Richmond, February 22, 1865.

Respectfully returned to the Secretary of War.

This Bureau has frequently urged upon the attention of the Government the matter of this letter. Precisely similar statements come from every State in the Confederacy. The Bureau has no authority and no means to correct the evil. It receives and puts on duty the officers assigned. The commandants devote themselves earnestly and intelligently to have the service performed by these officers, but with results such as are stated by General Browne. The service never will be performed satisfactorily until intelligent and suitable officers are selected and permanently assigned to the duty.

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[Inclosure.]

HEADQUARTERS CONSCRIPT SERVICE, GEORGIA,
Augusta, January 28, 1865.

Maj. Gen. HOWELL COBB,
Comdg. Georgia Reserves and Military District of Georgia:

GENERAL: In reply to your communication directing me to urge the enrolling officers to greater energy and assiduity in the discharge of their duties, I have the honor to state that I am painfully aware of the shortcomings of my subordinates and of the perfect justice of your complaints. Some months ago I made a strong representation to the

superintendent of the Bureau of Conscription in reference to the incompetency of the great majority of the enrolling officers and of their failure to discharge their duty. I have the honor to send you herewith a copy of that communication.

You are aware, general, of the accuracy, in part at least, of this representation, and you are also aware of the other grave difficulties which exist in this State to prevent the efficient execution of the conscript laws. The Executive of the State and his officials and partisans, aided by a few prominent and influential public men in the State, have persistently labored to oppose the execution of these laws and to create public opinion not only hostile to their execution but commendatory of their evasion. The class of men now liable to conscription, and who have hitherto kept out of the service, cannot be reached under the present system. Instead of finding their security condemned as dishonorable, they find it approved, if not connived at, by some whose positions ought to be a warrant of a different course of conduct. It is therefore obvious that men assigned to the duty of dragging these skulkers from their hiding places should be chosen for their activity, zeal, and intelligence—in a word, the exact opposite of those who are acting under my orders. I think, general, you will do me the justice to acknowledge that so far as my personal exertions could secure the faithful execution of the law they have not been spared. I have seen the difficulty. I have exposed the evils while I was powerless of myself to remedy them.

There is another matter which I desire to bring to your attention, and that is the impossibility which has hitherto existed of trying and punishing delinquent officers. For the past five months I have had officers in arrest on most serious charges and been unable to bring them to trial from the absence of any military court in the State. I have had the honor on several occasions to bring this matter to your earnest attention. If a permanent court were established for the speedy punishment of offenses and neglect of duty, and properly qualified men, irrespective of age or physical condition, ordered to report for enrolling duty, the service can be performed.

I have the honor to be, general, your obedient servant,

WM. M. BROWNE,

Commandant of Conscripts for Georgia.

[Sub-inclosure.]

HEADQUARTERS CONSCRIPT SERVICE, GEORGIA,

Augusta, November 24, 1864.

Brig. Gen. JOHN S. PRESTON,

Superintendent Bureau of Conscription, Richmond, Va.:

GENERAL: Your telegram of to-day in reference to the discrepancy between the official report for September and the registration returns as to mail contractors, impels me in self-defense to inform you specially of the utter incompetency of the majority of those assigned to duty as enrolling officers. Seven months' experience has proved to me conclusively that out of the whole number employed in the conscript service in the State there are not twenty who possess one qualification for the office. To remove men now on duty because of incompetency and replace them by others of the class at my disposition, would be simply to put incompetent men who know nothing whatever in the place of incompetent men who have learned something, small though it be. For the most part, the enrolling and sub-enrolling officers belong to the lower and poorer order of society.

They are ignorant and stupid, and even where they are not lazy, are inattentive to their duties. They must be selected from men physically unfit for the service, and of this class all who are good for anything get recommended for duty in some pleasanter and more popular branch of the service performed by men found for light duty. No one who can get employment with a quartermaster, commissary, tax collector, or even in a hospital, will ask assignment where, if he does his duty at all, he is sure of having hard work and much unpopularity. The consequence is, I have none but the refuse of the light-duty men, who can even by courtesy be said to read and write. The men who have been disabled in the Army and are assigned to enrolling service are, whether they are commissioned or not, generally ignorant, always incapable of activity and energy, and mostly destitute of the desire to do their duty. They regard their assignment as a retirement with allowances in addition to pay given them as a reward for field service, and that the fulfillment of the duties intrusted to them is not expected. Of the two classes, the light-duty men assigned by me and the army officers and soldiers ordered to report to me because found unfit for anything else, I am positive that the latter are the more worthless.

There can be no more forcible illustration of this neglect and incompetency than the general failure to obey the order given in my circular on May 16 to make a full list of the State exemptions and others, and of the manifest inaccuracy of the monthly returns. I will give you another instance. When the registration returns were just handed to me of the county of Richmond, including the populous city of Augusta, they exhibited the names of thirteen boys who would reach the age of seventeen during the ensuing year. A repetition of the work showed a widely different state of facts. So long, general, as the present system of appointing disabled, stupid, and illiterate men to perform duty requiring activity, intelligence, and education, the result will be failure; but if the plan proposed in circular of the Bureau of Conscription, No. 55, series of last year, is adopted, and competent men chosen (for their competency), appointed as enrolling officers, the duty will be done and the conscript service be made as important as it deserves to be.

I have alluded only to the incompetency of enrolling officers. I have not mentioned the frauds and corruption which mark their track everywhere, carefully covered, but yet observable and keenly felt. I desire earnestly to see the duty (second in importance to none) well and efficiently performed. I am deeply mortified at any failure in this State. I see and feel the deficiency, and beg respectfully to bring it strongly to your attention in the hope that through you it may be corrected. It is vain to pass laws unless the proper agents be allowed to execute them.

Very respectfully, your obedient servant,

WM. M. BROWNE,
Colonel and Commandant.

SCHEDULE No. 10.

OFFICE BOARD COMMISSIONERS FOR IMPRESSMENT FOR TENN.,
Headquarters, Aberdeen, Miss., February 1, 1865.

In accordance with the act of Congress to regulate impressment, the following schedule of prices for produce and army supplies, fur-

nished at the usual places of delivery, is agreed upon and published by the Board of Commissioners for the State of Tennessee, to continue in force until altered or revised:

Articles.	Description.	Quantity.	Price.
Apples	Dried	Per bushel of 28 pounds	$3.50
Axes	With handles	Each	7.00
Do	Hand	do	6.00
Bacon	Sides, corn fed	Per pound	1.30
Do	Hams, corn fed	do	1.30
Do	Shoulders, corn fed	do	1.20
Beans		Per bushel of 60 pounds	3.00
Beef-cattle	Gross	Per pound	.25
Brandy	Peach or apple	Per gallon	3.50
Barrels	Flour	Each	3.00
Do	Molasses	do	5.00
Brick		Per 1,000	25.00
Chains	Trace	Per pair	7.00
Corn	Shelled	Per bushel of 56 pounds	2.25
Do	Unshelled	Per bushel of 70 pounds	2.10
Corn-meal		Per bushel of 48 pounds	2.25
Coffee	Rio	Per pound	6.00
Candles	Tallow	do	1.80
Flour	Superfine	Per barrel of 196 pounds	30.00
Do	Fine	do	22.05
Fodder	Baled	Per hundredweight	2.20
Do	Unbaled	do	2.00
Hogs, fat		Net, per hundredweight	75.00
Do		Gross, per hundredweight	60.00
Hogs, unfatted		do	50.00
Hay	Native grass, baled	Per hundredweight	2.25
Do	Native grass, unbaled	do	2.00
Do	Timothy or clover, baled	do	3.00
Do	Timothy or clover, unbaled	do	2.75
Hides	Dry	Per pound	1.80
Do	Green	do	.90
Horses	First class, artillery	Each	750.00
Do	Second class, artillery	do	600.00
Do	Third class, artillery	do	450.00
Do	First class, cavalry	do	750.00
Do	Second class, cavalry	do	600.00
Do	Third class, cavalry	do	450.00
Iron	Pig, Nos. 1, 2, and 3, average	Per gross ton	110.00
Do	Square or round	Per net ton	450.00
Do	Flat or band	do	400.00
Do	Hoop	do	550.00
Do	Boiler plate	do	625.00
Do	Serviceable railroad T	Per gross ton	210.00
Do	Unserviceable railroad T	do	100.00
Do	Strap rail	do	150.00
Kettles	Camp, iron	Per pound	1.50
Lard		do	1.30
Leather	Harness	do	3.75
Do	Sole	Per pound	3.75
Do	Upper	do	4.50
Lumber	Square edged	Per hundred	4.00
Do	Rough edged	do	2.00
Molasses	Cuba cane	Per gallon	6.00
Do	Chinese cane	do	3.00
Mules	First class	Each	600.00
Do	Second class	do	525.00
Do	Third class	do	375.00
Oats	Baled	Per hundredweight	1.80
Do	Unbaled	do	1.60
Do	Shelled	Per bushel of 34 pounds	1.80
Onions		Per bushel of 57 pounds	5.00
Pasturage		Per head per month	1.50
Potatoes	Irish	Per bushel of 60 pounds	4.00
Do	Sweet	do	1.75
Peaches	Dried, pealed	Per bushel of 33 pounds	5.00
Peas		Per bushel of 60 pounds	3.00
Pans	Mess, sheet iron	Per pound	1.50
Rye		Per bushel of 56 pounds	3.75
Rice		Per pound	.20
Sugar	Brown, common	do	1.75
Do	Brown, fair	do	1.90
Do	Fully fair	do	2.00
Do	Prime	do	2.35
Do	Strictly prime	do	2.50
Do	Choice	do	2.80
Do	Extra choice	do	3.00
Do	Clarified	do	3.50

Articles.	Description.	Quantity.	Price.
Sugar	White clarified	Per pound	$4.00
Salt		Per bushel of 50 pounds	7.50
Socks	Woolen	Per pair	2.00
Do	Cotton	do	1.50
Soap	Hard	Per pound	.75
Do	Soft	do	.35
Shoes	Army	Per pair	15.00
Shovels	Long handled	Per dozen	80.00
Spades		do	80.00
Sheep	Sheared	Per head	15.00
Do	Unsheared	do	20.00
Shucks	Baled	Per hundredweight	1.50
Do	Unbaled	do	1 25
Tallow		Per pound	1.30
Tea	Black	do	10.00
Do	Green	do	15.00
Vinegar	Cider	Per gallon	1.50
Do	Manufactured	do	.60
Wheat		Per bushel of 60 pounds	5.50
Wheat straw	Baled	Per hundredweight	1.00
Do	Unbaled	do	.75
Whisky		Per gallon	3.50
Wool	Washed	Per pound	4.00
Do	Unwashed	do	3.00
Wagons	Wooden axles, 4-horse	Each	350.00
Do	Iron axles, 4-horse	do	450.00
Do	Wooden axles, 2-horse	do	250.00
Do	Iron axles, 2-horse	do	350.00

LABOR.

Quantity.	Price.
Hauling, per cwt. per mile	$0.05
Hire of 2-horse team, wagon, and driver:	
Rations furnished by owner, per day	10.00
Rations furnished by Government, do	7.00
Hire of 4-horse team, wagon, and driver:	
Rations furnished by owner, do	12.50
Rations furnished by Government, do	9.00
Hire of 6-horse team, wagon, and driver:	
Rations furnished by owner, do	15.00
Rations furnished by Government, do	11.00
Hire of laborer:	
Rations furnished by owner, do	2.00
Rations furnished by Government, do	1.50
Do, per month	25.00
Rations and clothing furnished by Government, do	15.00
Hire of mechanics for mechanical purposes; rations and clothing furnished by Government, per month	30.00

The following enumerated articles to be paid for under the act of Congress regulating manufactures, to wit: Woolen cloths, drills, flannels, hats, jeans, Osnaburgs, domestic shirting and stripes, sacking and tent cloths, 75 per cent. on the net cost of production.

The undersigned deem it proper to state that the above schedule of prices is adopted in accordance with the maximum schedule of prices agreed upon by the commissioners in convention assembled at Montgomery, Ala., on the 20th day of September (convened by order of the Secretary of War), representing the States of South Carolina, Georgia, Florida, Alabama, Mississippi, and Tennessee, and are the prices at which alone Government agents can, without violation of the law, impress private property; and for the information of all concerned that section of the impressment act which prescribes the pains and penalties incurred by a violation of its provisions is hereto appended:

SEC. XI. That any commissioned or non-commissioned officer, or private, who shall violate the provisions of this act shall be tried before a military court of the corps to which he is attached, on complaint made by the owner or other persons;

and on conviction, if an officer, he shall be cashiered and put into the ranks as a private; and if a non-commissioned officer or private, he shall suffer such punishment not inconsistent with military law as the court may direct.

Extract from General Orders, No. 30, Adjutant and Inspector General, dated March 7, 1864:

V. In all cases in which the offer of an impressing officer is refused he will proceed to adjust the price according to the first section of the act above recited; that is, by the judgment of the two loyal and disinterested persons of the city, county, or parish in which the impressment may be made, one to be selected by the owner, his bailee, or agent, and one by the impressing officer. In the event of their disagreement, these two will select an umpire of like qualification. The persons thus selected will proceed to assess just compensation for the property so impressed, whether the absolute ownership or the temporary use thereof be required. If the impressing officer believes that the appraisement is fair and just, he will indorse his approval and pay for the property, and the right in the object impressed will become the property of the Confederate States; but if he does not approve of the appraisement he will decline to approve it, and indorse the reasons for his refusal on the certificate and forthwith report the case to the commissioners appointed under the fifth section of the act to which the act above recited is an amendment; and in the meantime the property will be taken and a receipt describing the property and proceedings for adjustment of the price and the appeal given to the owner. The impressing officer will immediately report the case to the appraisers, with the statement of the quality and condition of the property, and his opinion on the subject.

W. E. TRAVIS,
WM. H. SNEED,
Commissioners.

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, February 2, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: At the request of Colonel Screven, president Atlantic and Gulf Railroad, I have the honor to state that the railroad connection between Albany and Thomasville is of vast importance to the Government. It would not only keep connection between our armies and a section of country extremely fertile, but make available for transportation purposes a large amount of rolling-stock and railway iron otherwise hopelessly cut off from the routes of travel and transportation on which all active military operations depend. As this connection with Southern Georgia and Florida, and with all their products and railway improvements, was once made through Savannah, hereafter it would be quite as effectually made through Albany.

I am satisfied the value of the supplies to be transported from those fertile sections has not been overstated by Colonel Screven. The obstacle which is usually interposed in the way of attempting the construction of any new line does not present itself here, for there is both iron and rolling-stock in abundance not only close at hand for their purpose, but not available for any other.

So far as the connection between Quincy and the Chattahoochee may be considered a competing project for the favor of Government, I remark that while it would serve in a measure the purpose of securing the supplies of that immediate country (though much of it by a circuitous route), it would be almost useless in securing the rolling-stock for service elsewhere. With such boats and such navigation as the Chattahoochee River can furnish, it would occupy months to remove their rolling-stock, if, indeed, it were possible to accomplish

it at all. Moreover, the supplies drawn from the country contiguous to the Chattahoochee are of themselves sufficient to occupy all the transportation on that river, leaving it altogether insufficient to accommodate the additional amount proposed to be thrown upon it. But there should be no competition between these improvements, as the one does not necessarily exclude the other. The resources from which they will respectively draw will not be the same, and therefore not conflict. The rolling-stock, iron rails, labor, and food would be controlled by each improvement from its own vicinity.

Very respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ORDNANCE BUREAU,
Richmond, February 2, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

SIR: In answer to the following extract of a resolution of the Senate of the 24th of January—

* * * First. With information as to the number of white men between the ages of eighteen and forty-five and of the number of negroes who, in addition to their own officers, may be required for the necessary employments and the proper discharge of the functions of the departments of * * * Ordnance Bureau, * * *

I have the honor to submit that there were borne on the rolls of this department on the 1st of October, 1864, 3,433 white men between the ages of eighteen and forty-five, including contractors and their employés. General Orders, No. 82, reduced this number to 2,691, turning over to the enrolling officers 742. Of the number thus turned over full one-half were mechanics of the classes now needed to push on work. These must be returned—say 400. This will leave our working force at the arsenals less by about 342 men than on the 1st of October, but will suffice. In addition, in order to raise the product of our armories in time to 55,000 arms per annum, 800 good mechanics must be added. Say that three-fourths of these will be white men between the ages of eighteen and forty-five, the total required thus will be:

Number in workshops December 31	2,691
Number of those taken by general orders to be returned	400
Number to be added for additional product of arms	600
Total	3,691

This would give us a total of 258 more workmen than we had October 1, 1864, but would raise the product of arms from 20,000 to 55,000 (in time). The number of negroes on the rolls of the department during the past year is 830; add to these, say, 1,000, in the employ of contractors, of which there are no returns in this office, making 1,830 negroes employed. An addition of 50 per cent. should be made to that part of this force employed at the arsenals, &c., in order that as much as possible may be done with labor of this description, making 1,245 as the number needed at these establishments. This estimate is reduced to the smallest figures with which the operations of the Bureau can be successfully carried on.

Recapitulation.—White men between the ages of eighteen and forty-five (except officers), 3,691; slaves, 2,245.

Very respectfully,

J. GORGAS,
Brigadier-General and Chief of Ordnance.

RICHMOND, VA., *February 3, 1865.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 25th ultimo I herewith transmit a communication from the Secretary of the Navy covering copies of his correspondence with the Governor of North Carolina relative to "coals of the steamer Advance."

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,
Richmond, January 31, 1865.

The PRESIDENT:

SIR: In response to the following resolution of the House of Representatives, viz—

Resolved, That the President be respectfully requested to transmit to this House copies of the correspondence between the Secretary of the Navy and the Governor of North Carolina touching the seizure of the coals of the steamer Advance by officers of the Navy Department—

Referred by you to this Department for attention, I have the honor to transmit herewith copies of my letters of the 28th of December last and 28th instant to Governor Vance and his reply of the 3d instant to the first-named letter, with accompanying papers.*

My last communication to Governor Vance was delayed by the causes therein stated.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

[Sub-inclosure No. 1.]

CONFEDERATE STATES OF AMERICA, NAVY DEPARTMENT,
Richmond, December 28, 1864.

His Excellency Z. B. VANCE,
Governor of North Carolina, Raleigh, N. C.:

SIR: Confident that you will be pleased to correct any error of statement into which you may have been inadvertently led, I beg leave to invite your attention to the following extracts from your recent message, and to the subjoined copies of official papers upon the subjects to which the extracts refer:

After losses by detention, the surrender of cargo space, &c., of not less than $200,000 in gold, I regret also to have to announce the loss of the steamer Advance during the month of September. This noble vessel, the pride of the State and benefactor of our soldiers and people, was captured by the enemy after she had successfully made her way through the blockade squadron, in consequence of the seizure of her coal for the use of the cruiser Tallahassee, compelling her to put

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*For Vance to Mallory, January 3, 1865, with inclosed certificates of O'Reilly and Harris, see Series I, Vol. XLVI, Part II, pp. 1006, 1157. For Savage to Murray, also inclosed, see p. 905, *ante*. For Mallory to Vance, January 28, 1865, see Series I, Vol. XLVI, Part II, p. 1156.

to sea with North Carolina coal. This, being unsuited to her furnaces and machinery, rendered her incapable of making more than half her usual speed and left behind her a dense volume of black smoke, by which she was followed and captured. So obviously is her loss attributable to the unwarranted seizure of her coal, that I trust you will memorialize for compensation. The unwise policy of making our only remaining sea-port a resort for our cruisers cannot be too strongly condemned. It has doubled the stringency of the blockade, has already caused the loss of many valuable steamers, and will ultimately provoke the utmost efforts of the enemy to capture Wilmington. It is no exaggeration to say that the Advance alone, in solid benefits, has been worth more to our Government than all the cruisers we have ever had afloat. Why it should be the policy of our Government to compel the State to quit the importation of supplies for the common benefit, and then pursue a course with our armed vessels so well calculated to crush all importations whatever, is to me inexplicably strange.

Captain Pinkney, C. S. Navy, in command of naval forces at Wilmington, and under whose directions coals were obtained for the Tallahassee and Chickamauga, forwards the following report on the subject:

Flag Officer R. F. PINKNEY,
Commanding, &c.:

SIR: In reply to your verbal inquiry in reference to the impressment of coal on this station for the use of C. S. cruisers that have recently sailed from this port I have the honor to state that not one particle of coal was taken from the steamer Advance, nor one pound impressed to which the State or any of the joint owners of that steamer had the slightest claim. When the steamers Let-Her-B and Florie were being fitted out, a portion of the coal necessary for the supply of those steamers was taken from the wharf of Messrs. Power, Low & Co., the agents and part owners of the Advance; but I was distinctly informed by a member of that firm that this coal belonged to three different steamers not then in port. To one of these steamers I had lent about twenty tons of North Carolina coal to be returned in English coal, and the quantity taken from her just satisfied my claim. The other two steamers, as I have said, were not then in port, and the coal that belonged to them was lying there waiting their return. It is now alleged by the agents of the Advance that as they had control of this coal it might have been available for the Advance if the Government had not impressed it. This, however, is a mere probability, as other steamers belonging to this firm might in the meantime have come in short of fuel, to which this coal would have undoubtedly have been given. At any rate it did not belong to the Advance, nor was it retained for her exclusive use, and its being appropriated to her use depended upon a mere contingency—namely, her not being preceded into port by other vessels with an insufficiency of coal for their outward voyage. It will, then, be seen that the extraordinary statement ventured upon by Governor Vance in his late annual message, that the loss of the Advance is attributable solely to the impressment of coal by the Confederate States Government has very little foundation in fact.

Very respectfully, your obedient servant,

J. A. WILLARD,
Naval Coal Agent.

Forwarded by R. F. Pinkney, captain, &c.

You will perceive from this report that your statement as to coals taken from or belonging to the Advance was an error.

I deem it proper to advert particularly to the following paragraph of your message:

> These cruisers sally forth with coal seized from steamers engaged in bringing supplies of vital importance, thus insuring their capture, destroy a few insignificant smacks, which only serve to irritate the enemy, and then steam back to Wilmington to seize more coal, bringing down upon the inlets a new swarm of the enemy's gun-boats.

It is not my purpose to discuss questions of policy, but simply to correct errors of fact, and I deem it unnecessary here to express an opinion upon the views which your letter presents relative to the use made of the port of Wilmington by Confederate cruisers. Nor, in reference to your remark as to the "course of the Government with

our armed vessels so well calculated to crush all importations whatsoever," is it necessary to say more than that the number of vessels engaged in the blockade trade of Wilmington was never greater than at present.

It is proper to apprise you that no information of the loss of any steamer resulting from the impressment of her coals, other than that presented in your message, has ever reached this Department, nor have I any reason to believe that any vessel was ever lost from the cause stated in the foregoing statement. Under the orders of this Department but one day's fuel could be taken from any steamer, and the North Carolina coal substituted for the quantity thus taken could be burned at night without disadvantage or danger from its smoke.

To enable you to correct so much of your statements as limits the captures made by the Tallahassee and Chickamauga, from which you will perceive that those captures were not only more important than is consistent with your statement, but that nineteen out of the forty-six were square-rigged vessels.

I have the honor to be, very respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

List of vessels captured by the C. S. S. Tallahassee, under command of Commander John Taylor Wood, C. S. Navy.

Date of capture.	Name of vessel.	Tonnage.	Disposition.
1864.			
Aug. 11	Schooner Sarah A. Bayce	281 80-95	Scuttled.
11	Pilot boat Jas. Funk	120 91-95	Burnt.
11	Brig Carrie Estell	248 75-95	Do.
11	Bark Bay State	199 47-95	Do.
11	Brig A. Richards	274 80-95	Do.
11	Schooner Carrall	.....	Bonded.
11	Pilot boat Wm. Bell	.....	Burnt.
12	Schooner Atlantic	156 27-95	Do.
12	Ship Adriatic	989 22-95	Do.
12	Bark Suliate	.....	Bonded.
12	Schooner Spokane	126 3-95	Burnt.
12	Brig Billow	173 31-95	Scuttled.
12	Schooner Robt. E. Packer	222	Bonded.
13	Bark Glenaron	789 3-95	Scuttled.
13	Schooner Lammot Dupont	194 14-95	Burnt.
14	Ship Jas. Littlefield	547	Scuttled.
15	Schooner Mary A. Hawes	61	Do.
15	Schooner Howard	147 69-95	Do.
15	Schooner Floral Wreath	54 11-95	Do.
15	Schooner Sarah B. Harris	.....	Bonded.
15	Schooner Restless	49 45-95	Scuttled.
15	Schooner Etta Caroline	39 23-95	Do.
16	Bark P. C. Alexander	283	Burnt.
16	Schooner Leopard	73 92-95	Do.
16	Schooner Pearl	41 66-95	Do.
16	Schooner Sarah Louisa	81 3-95	Do.
16	Schooner Magnolia	35 23-95	Do.
17	Schooner North America	82 47-95	Scuttled.
17	Brig Neva	286	Bonded.
17	Schooner Achon	123	Burnt.
17	Schooner Diadem	.....	Released
17	Schooner D. Ellis	.....	Do.
20	Brig Roan	127 47-95	Burnt.

RECAPITULATION.

Burnt	16
Scuttled	10
Bonded	5
Released	2
Total	33

List of vessels captured by C. S. S. Olustee (Tallahassee). Lieutenant Commanding W. H. Ward.

Name of vessel.	Tonnage.	Disposition.
Bark Empress Theresa	312	Burnt.
Schooner A. J. Bird	182	Scuttled.
Schooner E. F. Lewis	119	Do.
Schooner Napor	312	Do.
Brig L. D. Wagner	390	Do.
Ship Arcole	663	Do.

List of vessels captured by the C. S. S. Chickamauga, under command of Lieut. John Wilkinson, C. S. Navy.

Date of capture.	Name of vessel.	Tonnage.	Disposition.
1864.			
Oct. 30	Bark Mark L. Potter	389	Burnt.
31	Bark Emma L. Hall	492	Do.
31	Ship Shooting Star	947	Do.
31	Bark Albion Lincoln	237	Bonded.
Nov. 1	Schooner Godspeed	283	Scuttled.
1	Schooner Otter Rock	91	Do.
2	Bark Speedwell	335	Bonded.

[FEBRUARY 5, 1865.—For Beauregard to Brown and Magrath, calling for all the available forces in the States of Georgia and South Carolina, see Series I, Vol. XLVII, Part II, p. 1104.]

[FEBRUARY 6, 1865.—For General Orders, No. 3, Adjutant and Inspector General's Office, publishing "An act to provide for the appointment of a General-in-Chief of the armies of the Confederate States;" also appointing General Robert E. Lee to that position, and revoking General Orders, No. 23, of 1864, see Series I, Vol. XLVI, Part II, p. 1205.]

[FEBRUARY 6, 1865.—For Davis to the Senate and House of Representatives of the Confederate States, submitting report of A. H. Stephens, R. M. T. Hunter, and John A. Campbell, of conference held with President Lincoln and Mr. Seward, in Hampton Roads, Va., see Series I, Vol. XLVI, Part II, p. 446.]

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., February 6, 1865.

Hon. JAMES A. SEDDON,
Secretary of War, Richmond, Va.:

SIR: In view of the difficulty in obtaining slave labor in the State of South Carolina under the act of 17th of February, 1864, on account of obstacles interposed by the State laws of that State, which render the labor unavailable for the purposes of the act, I have the honor, in compliance with your indorsement of 2d instant, to recommend that His Excellency the Governor of South Carolina be requested

to obtain from the Legislature thereof a modification of the State laws upon the matter of impressment of slaves of such tenor and effect as may render the labor, when obtained by impressment agents in that State, available for all the military purposes of the Confederacy, as specified in the act of Congress above referred to; that is, that the time of impressment may be for twelve months; that the slaves may be used without the limits of the State when necessity may demand it, and for all the purposes enumerated in the act; that they may be subject to the control and supervision of Confederate authorities and agents, and be placed in all respects on the same footing as slaves impressed under that act in other States.

This recommendation was originally prepared under the impression that the Legislature of South Carolina was at this time in session. I have since learned, however, that it is not, and it is feared that these suggestions cannot be carried into effect at once.

Very respectfully, your obedient servant,

J. F. GILMER,
Major-General and Chief of Engineer Bureau.

OFFICE COMMANDANT OF CONSCRIPTS, ALABAMA,
Montgomery, February 6, 1865.

Capt. R. H. BROWNE,
Actg. Asst. Adjt. Gen., Hdqrs. Reserve Forces, Alabama:

CAPTAIN: I herewith return letter of H. G. Humphries, enrolling officer, Mobile County, dated 27th of January, 1865, which was returned to this office from headquarters Reserve Forces, Alabama, asking "upon what ground does the decision rest that youths under seventeen may join commands with the assent of their parents, and not be liable subsequently to enrollment and assignment." I inclose a copy of the letter referred to by the enrolling officer, and also a copy of circular from this office, dated December 6, 1864, touching the same subject. The acts of Congress and orders predicated thereon have uniformly permitted parties liable to conscription to volunteer previous to enrollment under certain restrictions. The law and orders nowhere prohibit the enlistment of persons not liable to conscription. Therefore, if a youth is enlisted before he becomes liable under the law, he cannot be considered liable to conscription unless he has been discharged from the command in which he was enlisted. Of course a man is not considered (in law) an enlisted man or soldier until his name is borne upon the rolls of a legally organized company. Paragraph X, General Orders, No. 24, Adjutant and Inspector General's Office, 1864, revoked all authorities that had been given to "raise troops or to recruit for any particular command." That paragraph is understood as having reference alone to special authority that had been given to certain officers. Such authority, for instance, as General Clanton held at one time, and such as Col. John C. Reid proposes to hold now. Under that paragraph a man would not be protected from enrollment if enlisted by any officer raising troops for the purpose of organizing a new company. It is not, however, understood as forbidding the enlistment of exempts into old and depleted organizations. I have long entertained the opinion that the policy of receiving youths under seventeen years of age into companies in the general service is pernicious, as they are often

received when they have not sufficient physical development to enable them to undergo the hardships of the general service. Besides this it often operates as a conversion of the material that should be properly distributed where it is most needed. Young men use the privilege of volunteering to avoid a supposed odium of being enrolled by conscript officers, and generally under the cavalry or artillery service. Believing that such recruits were not desirable, it has been my policy not to encourage their enlistment, and hence the publication of circular of 6th of December, 1864. I am of the opinion that the publication of a general order by proper authority positively prohibiting the enlistment of youths under seventeen years of age into commands in the general service would promote the best interests of the service. In fact, I do not believe that the interest of the service is promoted by allowing conscripts to volunteer before enrollment. They should all be sent to camps of instruction and assigned, when practicable, to commands of their choice.

Very respectfully, your obedient servant,

H. C. LOCKHART,
Lieutenant-Colonel and Commandant, Alabama.

[First indorsement.]

HEADQUARTERS RESERVES OF ALABAMA,
Montgomery, February 9, 1865.

Respectfully forwarded.

The true points involved in the case are not clearly presented, either in the communication of inquiry from the enrolling officer at Mobile, or in the response of Lieutenant-Colonel Lockhart. There is no law or order in force authorizing the enlistment of persons not liable to conscription otherwise than as prescribed in paragraph IV, General Orders, No. 22, Adjutant and Inspector General's Office, Richmond, February 23, 1864. That order requires the enrollment of such parties wishing to volunteer, and authorizing transportation to be furnished them to their commands. The usual interpretation given of this paragraph is, that the enrollment only entitles to transportation, and was not intended to restrict the right or prescribe the mode of volunteering. Such may have been the correct interpretation of the intention of the order when first published, which was only six days after the passage of the act of the 17th of February, but such interpretation is certainly not in harmony with the policy adopted and the system inaugurated by the Government since that date.

The purpose of the Government, as I understand it, has been to correct irregularities and abuses by systematizing the dispositions of present and prospective material for filling up our armies. Why were the enrolling officers required to take the census of the youths between sixteen and seventeen years of age in their respective counties for the information of the Government, if it was not to ascertain the annual prospective material on which the Government could rely for replenishing our armies? Why are enrolling officers and camps of distribution established? Why are monthly reports showing disposition of every man required from these camps? And why is it that applications to be placed in general service from individuals and from organized companies of youths between the age of seventeen and eighteen are all rejected? These are certainly more capable of bearing the hardship and exposure incident to the general service than are those of more tender years. It cannot be, therefore, that it

is the intention or policy of the Government to permit to this latter class a privilege which it has time and again denied to the former. Again, paragraph X, General Orders, No. 42, Adjutant and Inspector General's Office, Richmond, April 14, 1864, may have been intended simply to revoke all special authorities theretofore given to raise troops and recruits for particular commands, and as an isolated order its intent might thus be properly limited. Not so, however, when taken as one of a series of orders all tending to show the gradual development of a policy and system to be perfected and adopted. If I am mistaken in the policy of the Government and intent of existing orders, then a youth the day before he arrives at the age of seventeen years, and after he shall have been notified by the enrolling officer to appear at his office on the date of his being seventeen years of age, may be taken by his father to any of the many privileged companies occupying, temporarily at least, bombproof positions, without reference to the demands of the service or interests of the country, and thus avoid enrollment and defeat in part, at least, its object. The facts of the case which have rendered necessary the settlement of this question substantially agree, I think, with the one supposed. My order to the enrolling officer was not to permit such parties to continue in the companies thus enlisting them, but to request of the general commanding at Mobile an order for such parties to be turned over to him for enrollment and such disposition as was required by his instructions. I request the decision of the Department and its instructions.

J. M. WITHERS,
Major-General.

[Second indorsement.]

ADJUTANT-GENERAL:

There is no prohibition of law upon the enlistment of youths under seventeen when the consent of the parents is given. But the Department has never approved the practice of their enlistment, and has only allowed it upon special applications. The Department has not given to any officer the power to make such enlistments specially for general service, and would not do so except in a special case. Enlistments in particular (under such authorities) companies for general service would not be legal, and when they attain the age of seventeen the youths should be withdrawn and placed in the reserves. The Department would not regard enlistments under such authorities as legal, unless the authority contained the express provision that such youths might be enlisted. It is contrary to the general policy.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Inclosure No. 1.]

ENROLLING OFFICE, MOBILE COUNTY,
Mobile, January 27, 1865.

Lieut. GEORGE WRAGG,
Adjutant, Montgomery:

LIEUTENANT: I have the honor to acknowledge the receipt of your letter of the 25th instant in regard to the enlistment of youths under seventeen years of age. According to article 1402, Army Regulations, it would appear that this class of persons had the right to join a command with the consent of their parents, but how do you get

around paragraph X, General Orders, No. 42, Adjutant and Inspector General's Office, April 14, 1864? If the authority to recruit be revoked, the question arises how can any person join without passing through the enrolling office? And if they pass through the enrolling office why would they not be subject to the same regulations in being sent to camp for assignment that is required of persons over seventeen? Major-General Withers thinks, indeed asserts, that all youths who have joined commands before they were seventeen are liable to be enrolled and sent to camp for assignment when they arrive at the age of seventeen. Captain Tobin has, so I learn, 142 men in his company, whilst he is only allowed 84 men, being an artillery company. About the time of my assignment to this office I am certain that a number of young men, both under and over eighteen, joined different companies for the purpose of avoiding the enrolling officer, and I think for the purpose of selecting companies with a view of doing as little service as possible. The young men who joined Tobin's battery, and which gave rise to my first letter upon this subject, received a furlough of twenty days as soon as they joined. Captain Tobin, I am pleased to state, seems to be a very popular officer, as there appears to be a great disposition to join his command. I am somewhat at a loss to know what course to pursue in the case now at issue until the decisions of Major-General Withers and Lieutenant-Colonel Lockhart are reconciled. I do not want to take any step that I cannot sustain, and I therefore submit the case again to the commandant with a view to my final action in the premises.

Very respectfully, your obedient servant,

H. G. HUMPHRIES,
Enrolling Officer.

[First indorsement.]

OFFICE COMMANDANT OF CONSCRIPTS, ALABAMA,
Montgomery, Ala., January 31, 1865.

Respectfully referred to Major-General Withers for his decision.

H. C. LOCKHART,
Lieutenant-Colonel and Commandant, Alabama.

[Second indorsement.]

HEADQUARTERS RESERVES,
Montgomery, February 4, 1865.

Respectfully returned to commandant of conscripts.

Upon what ground does the decision rest that youths under seventeen may join commands with the consent of their parents and not be liable subsequently to enrollment and assignment?

By command of Major-General Withers:

R. H. BROWNE,
Acting Assistant Adjutant-General.

[Third indorsement.]

OFFICE COMMANDANT OF CONSCRIPTS,
Montgomery, Ala., February 6, 1865.

Respectfully returned to Major-General Withers, with remarks inclosed.

H. C. LOCKHART,
Lieutenant-Colonel and Commandant.

[Inclosure No. 2.]

OFFICE COMMANDANT OF CONSCRIPTS OF ALABAMA,
Montgomery, January 25, 1865.

Private H. G. HUMPHRIES,
Enrolling Officer, Mobile, Ala.:

I am directed by the commandant (Alabama) to acknowledge receipt of your letter of January 20, and to state that this office has no control of a youth under seventeen. They cannot be mustered into service except in the manner provided for by article 1402, Army Regulations.

Respectfully, your obedient servant,

GEO. WRAGG,
First Lieutenant and Assistant Adjutant.

[Inclosure No. 3.]

CIRCULAR.] OFFICE COMMANDANT OF CONSCRIPTS,
Montgomery, Ala., December 6, 1864.

It having been brought to the notice of this office that in some instances [orders] have been given to parties under seventeen years of age to report to the Army, enrolling officers are instructed that they have no authority over any party under seventeen or over fifty years of age, and that any action on their part in regard to such parties, except in cases specially directed, is unauthorized and forbidden.

By order of H. C. Lockhart, lieutenant-colonel and commandant for Alabama:

G. A. CARY,
First Lieutenant and Adjutant.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 6, 1865.

Hon. JAMES A. SEDDON,
Secretary of War:

DEAR SIR: I have received information from numerous citizens of Burke County that certain persons profess to have authority from the Confederate Government to distill grain into whisky in that county, and that they have and now are buying up grain at high prices for that purpose. The citizens from whom I receive this information represent that grain is very scarce in that section of the State, and that the families of soldiers and the poor and needy will require all the surplus which can be spared from the Army. It is also stated that the whisky when so distilled is to be converted into vinegar, and is not to be used for hospital purposes. I am informed that it has been urged upon the Confederate authorities, as a reason for granting such privilege, that large quantities of pork can be raised from the swill of these distilleries, but surely such a reason could not influence their action. If the object is to raise pork, it can be much better effected by feeding the grain directly to the swine. Knowing as I do the wants of the community whose interest is thus to be affected, I most earnestly insist that if such permission has been granted it be immediately revoked.

With sentiments of much respect, your obedient servant,

Z. B. VANCE.

[Indorsement.]

BUREAU OF SUBSISTENCE,
Richmond, February 15, 1865.

Respectfully returned to the Honorable Secretary of War.

Some whisky is needed for issue to the troops when much exposed, and more for the manufacture of vinegar. The distillation was ordered in Burke County, N. C., because of the difficulty of transporting the corn from that section of country. As no distillation is permitted in Virginia or North Carolina along the lines of railroad, I see no reason to change my decision.

L. B. NORTHROP,
Commissary-General of Subsistence.

CIRCULAR.] WAR OFFICE,
February 7, 1865.

The Secretary of War desires that you will prepare at once, for his information, a succinct but clear statement of the means and resources you have on hand for carrying on the business of your Bureau and your ability for carrying it on, and what impediments exist and what is necessary for that purpose.

Respectfully,

R. G. H. KEAN,
Chief of Bureau of War.

(To Chiefs of Bureaus.)

MONTGOMERY, ALA., *February 7, 1865.*

General J. C. BRECKINRIDGE,
Richmond, Va.:

GENERAL: Lieutenant Gordon, of the Army of Virginia, and a brother of Major-General Gordon, will hand you this letter. He will show you the authority he received from the late Secretary of War to raise a cavalry company in Georgia and explain his wishes in reference to the change which he proposes. Whilst I cannot recommend the application as made, and am firm in the conviction that all such irregular authorities only gender confusion, yet I think the services of Lieutenant Gordon might prove valuable in North Alabama, and that if ordered to report to me there would be no great difficulty in raising at least a company for him with which to operate in that now infected section of the State.

Although this communication is not intended as official, I hope you will excuse me for requesting your attention to the condition of the reserve forces and of the conscript service in this State as reported to the late Secretary of War in communications of the 15th and 17th of December last. To render the reserve forces efficient the change in officering them is indispensable. To correct abuses, if not actual corruption, in the conscript service, and to infuse energy and efficiency into the system, there must be a change in what I consider its present organization. If the general of the reserves in each State is held responsible for the conscript service in his State, he should certainly have full authority to change and remove officers from positions for which he found they were incapacitated, or in which he believed they were acting improperly, if not corruptly. The tone of public

feeling in this State is most lamentably despondent. The old Unionists and reconstructionists (mostly of the Douglas faction) have seized on late reverses and been most active in charging them all on the President as their author, in having removed General Johnston. The straggling, scattered, undisciplined, disorganized condition and consequent lawless conduct of the Army of Tennessee in passing through the State has unfortunately added much to the success of disloyal efforts to increase despondency, spread discontent, and organize opposition to the Government and to the continuance of the war. Deserters and stragglers by the hundreds are now scattered broadcast throughout this State, and such is the state of public sentiment that in half the counties in the State they can remain with impunity. It is my opinion that life and efficiency infused into the reserve forces by giving to them capable officers, and energy, impartiality, and strict integrity imparted to and exacted of every one engaged in the conscript service, will go far toward correcting the evils now existing. I do not know what authority, if any, I have in the removal and changing of officers engaged in conscripting. I have sought information on the subject, but none has been given. Had I the power I should deem it my duty to exercise it promptly in several cases. Under existing circumstances I should deem it advisable to change even the commandant of conscripts for the State, Lieutenant-Colonel Lockhart, and replace him with some Alabama officer of known experience and established integrity, who would have a home influence to sustain him. Col. Charles Forsyth, of the Third Alabama Regiment, now of the Army of Virginia, has the qualifications for the position, and would, besides, be sustained by a political influence once of controlling power over those who are now busy in disseminating disloyal sentiments. There is something wrong in the working of the conscript system in this State. The feeling of our best and most intelligent citizens in this county and in the majority of the counties of the State is that there is neither the proper energy nor fair dealing. I have endeavored to sift the matter time and again, and although entirely unsuccessful in developing corruption, yet the surroundings would render full confidence impossible. This suggested to me the propriety of regular and frequent changes. New brooms are said to sweep clean, and I know new enrolling officers manifest most energy.

Please excuse my writing so much, and when your leisure permits, write me as to the authority I am expected to exercise in the matters referred to, and whether, without detriment to the service, Col. C. Forsyth can be ordered to report to me for assignment to duty as suggested.

I am, general, very truly, yours,

J. M. WITHERS.

[First indorsement.]

FEBRUARY 22, 1865.

ASSISTANT SECRETARY OF WAR:

Please note remarks of General W[ithers] in regard to changing officers, &c., and inform me of the rule under existing laws and orders.

J. C. B.,
Secretary of War.

[Second indorsement.]

Under the existing laws the commander of reserves has no power to make any changes in officers—none whatever. (The act of Congress

of 17th of February, 1864.) The companies and regiments composed of reserves are to be organized under regulations to be made by the President, and have the right to elect their own officers. Officers in the conscription service are appointed by the President. The officers provided for by the law are commandants of conscripts and drill-masters. All other officers are assigned for duty to the regiments, and are generally disabled as supernumerary officers. When such officers are assigned generally to commander of reserves he can assign them to duty. The commanders of conscripts are appointed by the Department upon the recommendation of the Bureau.

[J. A. CAMPBELL,
Assistant Secretary of War.]

[Third indorsement.]

FEBRUARY 28, 1865.

ASSISTANT SECRETARY OF WAR:

Under present regulations and orders I am not informed whether the commandant of reserves has the power to make changes in the officers of the conscription service in his State. Please consider this point also.

J. C. B.,
Secretary of War.

[Fourth indorsement.]

SECRETARY OF WAR:

Colonel Lockhart has the character, and no doubt properly, of being an efficient and capable officer. Colonel Forsyth has a command in the Army, and it would not be consistent with the usage to transfer him to conscription service. My own opinion is, and it is corroborated by that of others, that he has not ability to discharge the duties of commander of conscripts. He is quite a young man, of no large experience in the management of business, and has not that knowledge of law and of the orders and regulations of the conscription business that is required.

J. A. CAMPBELL,
Assistant Secretary of War.

GENERAL ORDERS, No. 4. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 8, 1865.*

I. Commanders of armies, departments, or districts will enforce the following act of Congress in all sections in which the enemy may be advancing. They will hold subordinate officers charged with the duty of carrying out its provisions responsible for its proper execution:

AN ACT to regulate the destruction of property under military necessity, and to provide for the indemnity thereof.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the military authorities of the Confederate Army are hereby authorized and directed to destroy cotton, tobacco, military and naval stores, or other property of any kind whatever, which may aid the enemy in the prosecution of the war, when necessary to prevent the same, or any part thereof, from falling into the hands of the enemy.

* * * * * * *

Approved March 17, 1862.

II. Officers will be calm and considerate in the performance of the duty enjoined by these orders. They will not be justified in the destruction of property unless the necessity therefor be reasonably established.

III. As far as practicable notice of the approach of danger should be given owners of property, and every precaution for its removal that circumstances will permit should be taken.

By order:

S. COOPER,
Adjutant and Inspector General.

GLEN ALLEN, HENRICO, *February 8, 1865.*

[President DAVIS:]

MY DEAR SIR: Impelled by the perils of our country and the thousand conflicting theories as to the cause and cure to continually have these things before me, I have been amazed to see that no one thus far has conceived, or if conceived had the boldness to present, in my judgment, the only solution of all these perils and difficulties. I address you because you have already taken a long stride in the right direction, and because I believe your mind has already reached the true solution, but owing to peculiar circumstances has hesitated to enunciate it. The history of this war demonstrates the wonderful fact that the Confederate States mainly subsists both of the immense armies engaged in the conflict, and actually, after furnishing all the soldiers to one army, contributes about one-half of those making the army of its enemies, and should the war continue for another year the South will probably furnish two-thirds of the army of her foes. These facts, which cannot be controverted, show certainly anything but weakness or inferiority on the part of the South; but it does show that a change of policy in relation to the conduct of the war, and that a radical one, must be adopted or we shall be destroyed. Let us look at a few facts: The Yankees have now in their service 200,000 of our ex-slaves, and under their next draft will probably have half as many more. We have not one soldier from that source in our ranks. It is held by us that slaves will not make soldiers, therefore we refuse to put them in the service, and I think are correct in so doing; but while we thus think and thus act our enemies are creating, in addition to their white force (which we have found to our cost in the last year to be quite as large as we could manage), an auxiliary army of our own escaped slaves of 300,000 or 400,000 men. Now, however we may decry the negro as a soldier, every one knows that if the white troops of the Yankees are numerous enough to hold all ours in check, then this negro army can at will ravage and destroy our whole country, and we will be absolutely conquered by our own slaves. We allege that slaves will not fight in our armies. Escaped slaves fight and fight bravely for our enemies; therefore a freed slave will fight. If at the beginning of this war all our negroes had been free does any one believe the Yankees would have been able to recruit an army amongst them? Does any one know of a solitary free negro escaping to them and joining their Army? If our slaves were now to be freed would the Yankees be able to raise another recruit amongst them? If freedom and amnesty were declared in favor of those already in the Yankee lines would they not almost to a man desert to their old homes? Would not our freed negroes make us as good soldiers as they make

for our enemies? Again, suppose we free a portion of our slaves and put them in the Army, we leave all the rest as a recruiting field for the enemy, from which we cannot get a single soldier, and thus we see one-half of our entire population of no avail to us, but on the contrary ready at every opportunity to join the ranks of our enemies.

Now, sir, Southern soldiers are the best that ever drew a blade in the cause of liberty, but there are some things which they cannot do; they cannot fight our battles against overwhelming numbers, and raise the necessary supplies for the Army and the women and children at home; and yet, sir, this is what they will be called upon to do if this war is protracted for two years longer. I ask, sir, then, in view of these facts, if the prompt abolition of slavery will not prove a remedy sufficient to arrest this tide of disaster? The Yankee Army will be diminished by it, our own Army can be increased by it, and our labor retained by it. Without it, if the war continues, we shall in the end be subjugated, our negroes emancipated, our lands parceled out amongst them, and if any of it be left to us, only an equal portion with our own negroes, and ourselves given only equal (if any) social and political rights and privileges. If we emancipate, our independence is secured, the white man only will have any and all political rights, retain all his real and personal property, exclusive of his property in his slave; make the laws to control the freed negro, who, having no land, must labor for the landowner, and being an adequate supply of labor must work for the landowner on terms about as economical as though owned by him. We cannot consent to reconstruction even if they repeal all their laws and withdraw all their proclamations in regard to us, our lands, and our negroes, because they now have, or at any session of their Congress can make, the necessary number of States to alter the Constitution in a constitutional manner, and thus abolish slavery and interfere in any other way they think proper. But even if the present Administration should pledge anything we may ask, it binds no one but themselves during their own term of service, which you of course understand better than I do; and suppose they should even promise, and stand by their promise, to pay us for our negroes, lost or to be emancipated, how will they pay us? They cannot by direct taxation, but only in levying an export duty on our products—cotton, tobacco, and naval stores; and this war has shown them and the world, if not us, how much they will bear, cotton commanding $1 per pound, tobacco $3, tar $200 per barrel, &c. To pay their war debt and free our negroes would make a debt of $6,000,000,000 or probably $8,000,000,000, the interest of which at 5 per cent. would take $400,000,000 of revenue to pay, and to raise something additional to extinguish the principal would require an additional $100,000,000. Thus you see an export duty to this extent would be levied and could easily be raised upon our own products; 20 cents upon cotton, which would make the price about 32 or 33 cents the world would pay, because they must have it and have bought it for much more, would bring an annual income of about $400,000,000 without counting the duty on tobacco and naval stores; but even with this most favorable view of the case, we should lose the whole of our own war debt, which is or will be, say, $2,000,000,000. Of course this would be repudiated, and justly, by our enemies if we consent to reconstruction; whereas if we emancipate we save the $2,000,000,000, and we can pay for the negroes $4,000,000,000 more, and the export duty on cotton alone (which we should have levied if we go back into the Union) will pay the interest upon this at 5 per

cent., and leave $100,000,000 as a sinking fund to extinguish the principal in some thirty or forty years, and the slave-owner have all his labor on his farm that he had before (for, having no home and no property to buy one with, he must live with and work for his old owner for such wages as said owner may choose to give, to be regulated by law hereafter as may suit the change of relation).

And this $6,000,000,000 is not a debt we tax ourselves to pay, but the world pays it. The speculator who buys the cotton and pays the duty makes the manufacturer pay him his 10 or 15 per cent. net profit on his gross outlay; the manufacturer makes the merchant pay him his 10 or 15 per cent. on his gross outlay; the merchant charges the retail dealer his 10 or 15 per cent. on his gross outlay, and so on till the shirt is made, and he who wears it out pays the duty and all the different percentages upon it. Thus we will pay to the extent of our consumption of the exported article when manufactured and returned to us—a mere nothing when compared to the immense gratuity, $6,000,000,000, which the world makes to us, and which they so justly should be made to hand over to us for the cold-blooded, heartless indifference with which they have contemplated the bloody, inhuman, barbarous, and apparently hopeless contest in which we have been engaged, and which they at any moment could have arrested by a word. By emancipation I think we would not only render our triumph secure, as I have attempted to prove, in and of itself, but in all future time the negro, in place of being useless in time of war as a soldier, and really dangerous, as we have seen to our cost, continues to be an element of strength; and I think we may reasonably hope that the nations of the earth would no longer be unwilling to recognize us, for surely no people ever before struggled so long and under so many difficulties and endured so many privations so uncomplainingly as we have without finding some friendly hand outstretched to encourage or to help; and there can be no other reason than that we are exclusively and peculiarly a nation of slave-holders. I think that even amongst our enemies numbers would be added to those who are already willing to let us go in peace, for we should thus give the lie at once and forever to the charge that we are waging a war only for negro slavery, and the heart of every honest lover of human liberty throughout the world would sympathize with the men who for their cherished rights of freemen would wage such an unequal contest as we have waged, and besides sacrificing all their earnest convictions as to the humanity and righteousness of slavery, were willing to sacrifice their property interest of $4,000,000,000 to secure their independence, which might all be saved, so far as the promises of our enemies are concerned, by reconstruction. In my judgment the only question for us to decide is whether we shall gain our independence by freeing the negro, we retaining all the power to regulate them by law when so freed, or permit our enemies through our own slaves to compel us to submit to emancipation with equal or superior political rights for our negroes, and partial or complete confiscation of our property for the use and benefit of the negro. And, sir, if the war continues as it is now waged, and we are forced, by the overwhelming odds of the Yankees and our own slaves in arms against us, into submission, it would be but an act of simple justice for the Yankee Government to see to it that their negro allies are at least as well provided for in the way of homes as those who have been arrayed in arms against them. I have always believed, and still believe, that slavery is an institution sanctioned, if not established, by the Almighty, and the most humane

and beneficial relation that can exist between labor and capital; still I think that this contest has proven that in a military sense it is an element of weakness, and the teachings of Providence as exhibited in this war dictate conclusively and imperatively that to secure and perpetuate our independence we must emancipate the negro.

P. S.—We should then get rid of the only impediment in the way of an exchange of prisoners, thus getting 30,000 or 40,000 more men in the field.

I have given you what I conceive to be the only solution to our difficulties. How to effect this is a serious difficulty. Men are reluctant—in fact it might be imprudent to discuss this thing publicly, but we know that in great crises men think and act rapidly, or at least should do so. If Congress could be convinced of the correctness of this course they could, in convention with the Governors of the States, devise some method by which conventions of the States could be held and the necessary measures adopted; first by law of Congress, if necessary, provide for paying the owners for them. I have not found a single slave-holder with whom I have conversed but is willing to submit to the measure if deemed necessary by the proper authorities. Indeed, I have no doubt of the power of Congress as a military necessity to impress all of the able-bodied male negroes and pay for them, giving them their freedom, and providing for paying for the rest upon the condition of manumission, but the other course would be least objectionable. We burn an individual's cotton, corn, or meat to keep it from the enemy, so we can take his negro man and set him free to keep him from recruiting the enemy's Army.

I have written you this much hoping it may aid you in some way. I have shown what I have written to no one, nor communicated my intentions to any one. If you think what I have written worth anything, make what use of it you choose. If not, just stick it between the bars of your grate. What I have written is with an honest endeavor to aid you in guiding our ship through the perils and darkness which surround her, and from no feeling of dissatisfaction or distrust as to yourself, for you have all my sympathies and all of my trust and confidence.

With diffidence and the warmest admiration and respect, I remain your friend,

J. H. STRINGFELLOW.

P. S.—Written very hurriedly and with no effort at arrangement, but only as "food for thought."

J. H. S.

I opened the envelope to say that my communication was written before I heard of the return of our commissioners, and that I am more than sustained by their report and the action of the Yankee Congress on the slavery question, and now we have only to decide on or between emancipation for our independence or subjugation and emancipation, coupled with negro equality or superiority, as our enemies may elect.

J. H. S.

[Indorsement.]

Respectfully referred, by direction of the President, to the Honorable Secretary of War.

BURTON N. HARRISON,
Private Secretary.

BUREAU OF ORDNANCE,
Richmond, February 9, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: In reply to your circular of 7th of February, received yesterday, I have the honor to inclose copies of "annual report" marked No. 1,* "special report" of December 31, 1864, No. 2,† and "report of operations—whites and slaves needed," No. 3.‡ No. 2 contains all the information as to the "ability" and "means and resources" of the Bureau. As to "impediments," I know of none which I cannot overcome, except the persistent and continuous interference with our workmen on account of military operations. If this source of disorganization and weakness be not finally disposed of there is no possibility of sustaining the operations of the Bureau.

The "special report" of December 31, No. 2, shows that 800 men must be added to our force of mechanics at the armories, and report No. 3 shows that about 3,691 men liable to military duty, and about 2,245 slaves, are required for the whole operations of the Bureau. These are minimum figures. If these men and slaves can be permanently attached to this Bureau, and an adequate force be attached in the same manner to the Niter and Mining Bureau, I will answer for the supply of ordnance and ordnance stores to the Army. It will, however, be necessary that the Commissary and Quartermaster's Departments co-operate in so far as the feeding and clothing of this force is concerned. This is rendered necessary because these departments enjoy almost a monopoly of the resources for food and clothing in the country.

There is wanted, therefore, for home productions, first, a force of workmen adequate to the production of a minimum supply of ordnance and ordnance stores for the Army. This force is shown in paper No. 3. Second. That this force should be permanently attached to the Bureau and in no way liable to be interfered with by any one. Third. That a minimum supply of food and clothing should be furnished by the Subsistence and Quartermaster's Departments.

The "impediments" to the importation of such supplies as must still come from abroad must be overcome as they arise by individual energy and resource.

Very respectfully, your obedient servant,

J. GORGAS,
Brigadier-General and Chief of Ordnance.

P. S.—The "impediment" arising from want of money is so overshadowing that I have presumed that to be removed to begin with.

J. G.

BUREAU OF FOREIGN SUPPLIES,
Richmond, Va., February 9, 1865.

General JOHN C. BRECKINRIDGE,
Secretary of War:

GENERAL: I have the honor to acknowledge the receipt of your circular of the 7th instant asking for a "succinct and clear statement of the means and resources on hand for carrying on the business of

*See October 13, 1864, p. 733. †See p. 986. ‡See February 2, 1865, p. 1054.

my Bureau, and what impediments exist and what is necessary for success."

Under the orders of the War Department I have been charged with the purchase, repairing, compressing, and shipment of cotton for the Government, the proceeds of said shipment passing into the Treasury and subject to requisitions of the several bureaus and departments of the Government; with the purchase and receipt of foreign supplies, to be paid for in cotton; and, incidentally, with most of the foreign correspondence of the War Department. The cotton on hand, and that which may be purchased with $15,000,000 estimated and asked for through the Secretary of War, together with the usual transfers from the Treasury Department, and, if required, that to be procured by requisition through the several bureaus of the War Department, will be sufficient to make all purchases of supplies for the War Department and shipments for the Treasury Department through blockaded ports.

The fall of Fort Fisher and the loss of Wilmington as a port will diminish the receipt of supplies and shipment of cotton through the blockaded ports. The quantity of these supplies and shipments cannot be approximated, because it will depend upon the number of ports held by us and the effectiveness of the blockade. The Secretary of War has, upon my application, directed the removal of the Engineer Bureau to Georgetown, S. C., to see if it can be so protected with guns and works as to secure the safety of vessels entering and departing. The Secretary of the Navy has directed his officers to render aid in protecting vessels coming into Saint Mark's, Fla. The matter is of such importance now, I think, as to justify the Department in assigning a good engineer officer to the special duty of examining what other ports or inlets may be made available, with power immediately to provide whatever is necessary for the protection of vessels entering them.

The introduction of supplies and providing vessels with cotton at such ports and inlets remote from railroads will require the hearty co-operation of the Quartermaster's Department in furnishing transportation. With protection to the vessels, and transportation to provide cotton and remove supplies, these ports and inlets will be availed of to the utmost extent, and will, I trust, insure considerable success.

Within the last few months the question has been much discussed whether cotton should be used across the enemy's lines to procure through those lines coin for the Treasury and supplies for the Army. The question being settled affirmatively, John S. Wallis, esq., was placed on the general duty within the department of Lieutenant-General Taylor, purchasing all necessary supplies, to be paid for in cotton, and delivering the same to the officers of the various bureaus for distribution. Intimations have been recently given of the early delivery of large supplies of meat, shoes, blankets, &c., along the Atlantic coast and in Alabama from Pensacola. I think the trade should be limited to supplies indispensable to the Army. In close connection with the sale of cotton for supplies the Honorable Secretary of the Treasury is selling for coin, and there is entire accord and co-operation between the War and Treasury Departments in these transactions. The cotton required for purchase of supplies can be provided from the sources already named.

In conclusion I beg leave to say that unless the trade across the enemy's lines is prohibited I think all general supplies, such as meat,

shoes, blankets, &c., can be obtained. Articles specifically contraband under Federal Treasury Regulations will have either to be smuggled in through this trade or introduced by extraordinary inducements along the Atlantic and Gulf Coasts. Arrangements are already in progress to secure lead, saltpeter, sheet copper, leather, &c., along the Florida coast.

In view of these facts I would respectfully recommend that proper guns and works be placed at Georgetown, S. C., at the mouth of the Santee River, and at Saint Mark's and Apalachicola, Fla.; that an engineer officer be designated to examine upper inlets or places on the coast where vessels may enter, and to provide protection for them; that the Quartermaster-General be instructed to direct his officers to furnish transportation for cotton and supplies when called upon by the agents of this Bureau.

I have the honor to be, very respectfully, your obedient servant,

THOS. L. BAYNE,
Lieutenant-Colonel.

CONFEDERATE STATES OF AMERICA,
SURGEON-GENERAL'S OFFICE,
Richmond, Va., February 9, 1865.

Hon. JOHN C. BRECKINRIDGE,
Secretary of War, Richmond, Va.:

SIR: In reply to the circular of the 7th instant from your office I have the honor to submit the following report:

By recent instructions the superintendent of conscription has (on authority of the War Department) directed that all disabled men detailed from the Army of Northern Virginia should be returned for such duty as they may be able to perform in the field.

Objections cannot reasonably be made to this, provided the men not found equal to any duty in the field be returned to the same hospital from which they have been taken. But by Circular No. 35, of December 2, 1864, from the Bureau of Conscription, generals of reserves are directed (on the authority of the War Department) to organize for certain local service "all men found for light duty and not otherwise assigned and actually employed," which deprives the Medical Department of the opportunity to replace with conscripts found for light duty the detailed men relieved from duty in the manner above stated, or to fill the requirements arising from time to time for hospital attendants. The hospitals cannot be properly conducted without a liberal allowance of white attendants, and it is recommended that Circular No. 35, of 1864, from the Bureau of Conscription be modified so as to permit either conscripts found for light duty, or reserves over forty-five years of age, to be assigned as hospital attendants.

Under the authority of law embodied in General Orders, No. 69, of 1863, and No. 25, of 1864, soldiers sick or wounded, and likely to remain unfit for military duty for sixty days, are furloughed.

It is undoubtedly humane to furlough these men, but the practice is wholly inconsistent with preserving and maintaining an army. Many of the men are lost sight of and never return. It is recommended that the law be repealed. Furloughs should only be authorized by orders to be granted as circumstances may demand.

Foreseeing the many and great difficulties to be encountered in procuring medical supplies from foreign countries through the blockade, attention was given at an early day to the establishment of medical laboratories, and the manufacture of medicines at Lincolnton, N. C., Charlotte, N. C., Columbia, S. C., Macon and Atlanta, Ga., and Mobile and Montgomery, Ala. While these laboratories have been engaged more especially in the manufacture of medicines heretofore universally procured from abroad, great attention has been given to the manufacture of indigenous remedies which are now administered by medical officers in lieu of medicines of foreign origin with favorable results.

In the beginning of the war the department was compelled to depend entirely upon purchasing agents and contracts awarded to individuals for a supply of hospital furniture, bedding, &c., and which contracts in a majority of cases were never filled. It was then determined to assume direct control of the manufacture of these articles, and artisans were detailed from the ranks of the Army and when practicable disabled soldiers were employed.

These employés of the laboratories, purveying depots, and distilleries are in a great measure expert chemists, druggists, and distillers, and men of professional skill, whose services are absolutely indispensable for the manufacture of medicines, hospital furniture, and alcoholic stimulants. It is therefore hoped that the Honorable Secretary will see the necessity of these men being permanently attached to the Medical Department, as the practice of constantly changing these employés is productive of delay and embarrassment to the department. It is also important that they should be exempt from all military duty, for if called out in an emergency, when the purveyor is called upon to fill requisitions for the wounded, it is evident that suffering must ensue in consequence of their absence. Medical supplies can only be put up by skilled druggists. For the supply of alcoholic stimulants the department has been until recently dependent upon contracts with individuals. It was ascertained that this mode of supply was susceptible of gross fraud, for although expressly forbidden by the terms of the contract, the contractors not only manufactured an excess over the quantity called for by the contract, but frequently manufactured so indifferent and spurious an article that the department was obliged to reject it, thus leaving large quantities of whisky in their hands, which they readily disposed of at prices largely in advance of Government rates. At the suggestion of this Bureau, Congress at its last session granted authority to the Surgeon-General to establish distilleries for the manufacture of alcoholic stimulants. Accordingly they have been established at Salisbury, N. C., Columbia, S. C., Macon, Ga., and in Wilcox County, Ala. The distilleries at Salisbury and Columbia are manufacturing from 200 to 500 gallons each of whisky and alcohol per day. Those at Macon and in Wilcox County, Ala., will be ready to commence operations in two or three months, when all contracts for stimulants throughout the country will be canceled.

A large portion of the grain consumed by these distilleries is rendered useless for other purposes, being damaged in transportation or from insecure storage, and turned over by the quartermasters to this department. Thousands of bushels of grain are thus saved to the Government and made available for army purposes. Arrangements have been perfected with the Quartermaster's Department to supply the distillery at Salisbury with grain, thus avoiding competition between the agents of the two departments in the market. It is con-

templated to make similar arrangements with the Quartermaster-General to supply the distilleries in Georgia and Alabama so soon as they are ready to commence operations, and it is recommended that instructions be given that officer to furnish the necessary grain when notified by the Surgeon-General that he is ready to receive it.

The late Secretary of War gave orders to the Quartermaster's Department to furnish all the bureaus of the War Department with cotton goods sufficient to supply their wants. Estimates were accordingly forwarded to the Quartermaster-General by this Bureau, but as yet not a yard has been furnished, and there seems to be nc probability of obtaining a supply from this source. Arrangements are now being perfected with a company in South Carolina to sell to the Medical Department, on liberal terms, the entire product of their factory.

There is another subject of great importance to which the attention of the Secretary of War is earnestly invited. The sick and wounded in the large hospitals in and about the city, and at certain other places, are now subject to intense suffering in consequence of the failure of the Quartermaster's Department to furnish fuel.

At one of these hospitals (Chimborazo) the surgeon in charge for two years furnished his own wood, during which time there was an ample supply. The quartermaster declined to permit this arrangement to continue, and each winter since this hospital has been inadequately supplied.

The surgeon in charge of Jackson Hospital has the offer of a contract for wood to be supplied the hospital; the quartermaster refused to make the contract, stating that he had made ample provision. At Winder hospital the surgeon in charge during the past summer or fall offered, if he was provided with a small number of teams, to supply his own fuel. The quartermaster refused, asserting that he could supply the hospital with the wood required. These cases are mentioned to show that the fuel could have been provided.

A serious difficulty in conducting the hospitals arises from the failure of the Commissary Department to furnish the hospital funds. Very general complaint has been made on this subject—one of importance, as without the hospital fund it is impossible to supply the sick and wounded with necessary supplies. The hospitals have also been embarrassed by the non-payment of the hospital attendants by the Quartermaster's Department.

Attention has been given recently to the importation of supplies through our lines on the Mississippi River and the Gulf border of Mississippi and Alabama. Cotton is exchanged for medical supplies, and in consequence of the recent disaster at Wilmington it is believed that this trade will constitute the chief source of supply. This department has obtained medicines in this manner through the energy of Surg. Richard Potts, who has had exclusive control of the importation of such articles as are most needed, until recent orders from the War Department, taking entire control of transactions of this nature, has impaired his usefulness and put a stop in a measure to the supply. The Honorable Secretary's attention is earnestly invited to the necessity of allowing Surgeon Potts (located at Montgomery, Ala.) ample means of obtaining medical supplies in the manner indicated.

The department has on hand of some articles a twelve-months' supply, of others a limited supply, but if allowed to retain its skilled employés at the various laboratories, purveying depots, and distilleries, and to import medicines freely through our lines in Mississippi

and Alabama, no fear need be entertained that the sick and wounded of the Army will suffer for the want of any of the essential articles of the supply table.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

[FEBRUARY 9, 1865.—For Northrop to Breckinridge, in response to circular of February 7 (p. 1064), with accompanying documents relating to the Subsistence Department, see Series I, Vol. XLVI, Part II, pp. 1211–1226.]

STATE OF NORTH CAROLINA, EXECUTIVE OFFICE,
Raleigh, February 9, 1865.

Hon. S. R. MALLORY,
Secretary of the Navy:

SIR: Your communication of the 28th ultimo* has been received, in regard to what you are pleased to term "a question of fact" between yourself and me. I have not the slightest objection to your proposed adherence to the statements made in your former communication. I only desire to be admitted [permitted?] a similar privilege of adhering to my own allegations in regard to the loss of the Advance. Nor do I care to argue the "question of fact" so gravely made upon me, involving only a quibble as to whether coal in the possession of my agent was in my possession. The distinction between that kind of possession which is required to support an indictment for larceny and that required to sustain an action of trespass, *vi et armis*, might be learnedly descanted upon here, but as you very properly observe in reference to my allusion to the supposed coal on board the Advance, it would be "unnecessary to the determination of the single question of fact." But though such is my susceptibility to reason, I may be induced to forego an argument on the question of the possession of my agent being my possession. I confess I am not quite ready to admit that the possession of A B, abstractly considered, is not the possession of A B, or that other remarkable proposition that the legal and undisputed possession of an article affords not "the slightest claim" of property. And yet such doctrine I understand you to advance when acknowledging that Power, Low & Co. were part owners of the steamer Advance, that your agents took 169 tons of coal from them, you yet assert "that not one particle of coal was taken from the steamer Advance," nor one pound impressed, to which the State or any of the joint owners of that steamer had the slightest claim. Now, in the name of Blackstone, Coke, and all the lawyers at once, from Moses to Captain Pinkney, who did have any claim to that coal? Who was its owner?

But really, my dear sir, I think this correspondence had better close, and leave the public and the proper committee in Congress to determine the question between us. If the taking from my agent of coals collected by him for the use of my vessel and his did not justify me in my statements to the Legislature, then I am content they should

*See Vol. XLVI, Part II, p. 1156.

say so. I desire, of course, no difficulty with the Navy Department or any other branch of the Government, struggling and straining as they are in the public defense. I was induced more particularly to make this public complaint because it was not the first time that the coals for my steamer had been seized by the Confederate authorities in Wilmington, and for the further reason that from the first I met with nothing but opposition from all sides in my efforts to clothe the troops of North Carolina. I mentioned those other matters, to which you allude as irrelevant to the present question, simply because I considered the general policy of my message on this head as assailed by you, and as I have assailed the policy of the Government. Now that the fall of the defenses of the Cape Fear and the closure of our last port have given a melancholy confirmation to my strictures, I have no more to say.

Very respectfully, your obedient servant,

Z. B. VANCE.

RICHMOND, *February 10, 1865.*

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: By authority of the Governor of Alabama I have contracted with sundry parties to import army stores, payment of the same to be made in cotton. The prices fixed in said contracts vary but little from prices established by the Quartermaster's Department under the contract system. The object of the State is simply to aid and assist the Confederate States in obtaining army supplies, and as far as possible clothe the troops from Alabama. The only obstacles to the successful operation of the plan is the prohibition on the shipment of cotton. I have the honor to request that you will request the Honorable Secretary of War to give such orders as will permit me to ship such cotton across our lines as may be necessary to pay for army stores received under contracts with the State. My object is to aid your department, and I will regulate the issue of clothing according to the regulations of the Army, giving the troops from Alabama preference in all cases. I propose, after the stores are delivered to me within our lines, to transfer them to your department at cost price, to be paid either in cotton or gold, or Confederate Treasury notes, or I will make the issue direct to the troops, upon requisitions properly approved, and I will hold the receipts of the brigade quartermasters as a claim upon the Confederate States.

I have the honor to be, very respectfully, your obedient servant,

DUFF C. GREEN,
Quartermaster-General of Alabama.

P. S.—The following prices annexed to each article are to be the rates at which said articles, whether furnished by the State of Alabama to the Quartermaster's Department of Confederate States for the troops from Alabama or issued directly to said troops under arrangements alluded to in foregoing letter. The prices are to be as follows: Gray and blue cloth, per yard, $7.50; flannel, per yard, $1.50; blankets, each, $10; shoes, per pair, $10. The above specified prices to be paid in cotton, 50 cents per pound; that is, the goods to be sold and the cotton received on a gold basis, and all other stores at proportionate rates on like conditions. All other contracts will be carried

out by delivering goods at cost price, with 50 per cent. added to cover all risks and charges to time of delivery, the cotton in payment for same to be furnished to contractor at 30 cents per pound in the same currency as the original invoices.

D. C. G.

[First indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
Richmond, February 15, 1865.

Respectfully submitted to the Secretary of War, with the recommendation that the facilities asked in behalf of the State of Alabama be granted, at least as to existing contracts held by the State. The supplies will be needed, and this department has always aimed to avail of State credit and resources abroad. The specific prices stated within are but little in excess of those that ruled in contracts made prior to the adoption of the port regulations in which cotton was expended at 10 pence per pound.

A. R. LAWTON,
Quartermaster-General.

[Second indorsement.]

FEBRUARY 18, 1865.

Referred to Lieutenant-General Taylor.

Authority is given to Lieutenant-General Taylor to grant proper authority to the officers of the State of Alabama to carry into effect the objects of this letter, taking the precaution necessary to prevent any abuse of the license he may grant.

By order:

J. A. CAMPBELL,
Assistant Secretary of War.

[Third indorsement.]

MONTGOMERY, *March 19, 1865.*

Respectfully referred to Colonel Surget, assistant adjutant-general, who [will] issue necessary instructions to protect supplies introduced for use of State of Alabama, under the within authority, special application to be made for exportation of cotton in each case.

By command of Lieutenant-General Taylor:

W. F. BULLOCK, JR.,
Assistant Adjutant-General.

[FEBRUARY 10, 1865.—For Smith to Davis, in reference to an organization of frontier State troops in Texas, wholly under control of the State authorities (with inclosures), see Series I, Vol. XLVIII, Part I, p. 1373.]

RICHMOND, *February 11, 1865.*

His Excellency JEFFERSON DAVIS,
President of the Confederate States of America:

SIR: When Senator Johnson, of Missouri, and myself waited on you a few days since in relation to the prospect of annoying and harass-

ing the enemy by means of burning their shipping, towns, &c., there were several remarks made by you upon the subject that I was not fully prepared to answer, but which, upon subsequent conference with parties proposing the enterprise, I find cannot apply as objections to the scheme.

First. The combustible material consists of several preparations and not one alone, and can be used without exposing the party using them to the least danger of detection whatever. The preparations are not in the hands of McDaniel, but are in the hands of Professor McCulloh, and are known but to him and one other party, as I understand.

Second. There is no necessity for sending persons in the military service into the enemy's country; but the work may be done by agents, and in most cases by persons ignorant of the facts, and therefore innocent agents.

I have seen enough of the effects that can be produced to satisfy me that in most cases without any danger to the parties engaged, and in others but very slight, we can (1) burn every vessel that leaves a foreign port for the United States; (2) we can burn every transport that leaves the harbor of New York or other Northern port with supplies for the armies of the enemy in the South; (3) burn every transport and gun-boat on the Mississippi River, as well as devastate the country of the enemy, and fill his people with terror and consternation.

I am not alone of this opinion, but many other gentlemen are as fully and thoroughly impressed with the conviction as I am. I believe we have the means at our command, if promptly appropriated and energetically applied, to demoralize the Northern people in a very short time. For the purpose of satisfying your mind upon the subject, I respectfully, but earnestly, request that you will have an interview with General Harris, formerly a member of Congress from Missouri, who, I think, is able, from conclusive proofs, to convince you that what I have suggested is perfectly feasible and practicable. The deep interest I feel for the success of our cause in this struggle and the conviction of the importance of availing ourselves of every element of defense must be my excuse for writing you and requesting you to invite General Harris to see you. If you should see proper to do so, please signify the time when it will be convenient for you to see him.

I am, respectfully, your obedient servant,

W. S. OLDHAM.

[Indorsement.]

FEBRUARY 20, 1865.

Secretary of State, at his convenience, please see General Harris and learn what plan he has for overcoming the difficulty heretofore experienced.

J. D.

[FEBRUARY 11, 1865.—For Benjamin to Lee, in relation to a proposal to send to the trenches slaves who might volunteer to fight for their freedom, &c., see Series I, Vol. XLVI, Part II, p. 1229.]

RICHMOND, VA., *February 11, 1865.*

General S. COOPER,
Adjutant and Inspector General:

GENERAL: Thoroughly impressed with the necessity of improving the discipline of our Army, it has been a question of much thought with me as to the manner of effecting it. The great difficulty with us is due to the fact that our company organizations have been sadly defective. The captains and lieutenants, being responsible to the communities in which they reside and of which their commands are composed, have never had the moral courage to perform their duties in a fearless and manly way, in consequence of the dread of becoming unpopular at home, and it is impossible for a regimental or brigade commander to enforce discipline unless company officers are good and reliable; and it is useless to prefer charges against men or officers, especially if they are well connected, because the courts (the permanent ones)—being composed of politicians and men who have seen no service, or, if any, so little that they have no conception of the relation between superior and inferior officers, and regard every act of firmness as one of tyranny—always acquit the accused. The men who compose these courts were once (as a general thing) officers of the Army who were thrown out of office on account of incompetency, and have a very imperfect idea of the duties of a soldier, and we can never have discipline in our Army as long as these courts are in existence, and I most earnestly recommend that they be either abolished or that some provision be made by which we can be enabled to bring delinquents before a court composed of officers who know something of the wants of the service and appreciate the duties and obligations of the officers and men who compose our armies. This change made in our military tribunals and we will soon get rid of our bad and indifferent officers.

And the next most important thing that we want (more essential in the cavalry than in the infantry) is the assignment of at least one good officer of the Regular Army, young and energetic and well informed, to each brigade as drill-master whilst in camp, and when on the march or field of battle to act as provost-marshal to prevent straggling; to remain just in rear of the column of attack, to keep the files closed (having a small guard detailed for that purpose) and to take charge of the prisoners, and in that way prevent a superfluous guard going to the rear with every batch of prisoners, and also in this way prevent a rapid decrease in the strength of the command upon the battle-field. As a young officer eminently qualified for the position I take pleasure in recommending Lieut. F. H. Wigfall. He is gallant, energetic, and a strict disciplinarian; served with me in the beginning of the war, and I have had ample opportunities for becoming acquainted with his merits and I regard him as one of the best young officers in the service. Lieutenant Wigfall holds a commission in the regular service and is at this time serving on the staff of General Hood, from which I suppose he can readily be spared. I am, general, greatly in want of the services of such an officer as Wigfall and I hope he will be assigned to duty with me at once. And as additional rank would give him more authority, it would be well to give him temporary rank of captain or major, in accordance with act approved May 21, 1861.

Most respectfully, yours, &c.,

T. L. ROSSER,
Major-General.

[First indorsement.]

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
February —, 1865.

Respectfully submitted for the consideration of the Honorable Secretary of War.

R. E. LEE,
General.

[Second indorsement.]

BUREAU OF ADJT. AND INSP. GEN., APPOINTMENT OFFICE,
February 25, 1865.

Respectfully submitted to the Secretary of War.

So much of this communication as refers to Wigfall is impracticable. Being only a cadet in the C. S. Army, he does not come under the provisions of the act cited within, authorizing the President to confer temporary rank, &c.

By order:

ED. A. PALFREY,
Lieutenant-Colonel and Assistant Adjutant-General.

[Third indorsement.]

MARCH 3, 1865.

ADJUTANT-GENERAL:

Return to General Rosser asking attention to your indorsement.

By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

[Fourth indorsement.]

BUREAU OF ADJT. AND INSP. GEN., APPOINTMENT OFFICE,
March 11, 1865.

Respectfully returned to Maj. Gen. T. L. Rosser, inviting his attention to indorsement from this office of 25th of February, 1865, which is approved by the Secretary of War.

By command of the Secretary of War:

ED. A. PALFREY,
Lieutenant-Colonel and Assistant Adjutant-General.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 11, 1865.

Hon. S. R. MALLORY,
Secretary of the Navy:

SIR: On examining a printed copy of your letter to me of the 28th of December, ultimo, sent me by a member of Congress, I find that I had committed the mistake of attributing to Captain Pinkney certain offensive expressions which were only used by one J. A. Willard, naval coal agent. I was led into this by the following language in your letter: "Captain Pinkney, C. S. Navy, &c., forwards the following report," and by not noticing the signatures closely at the end of the quotation. I have the honor, therefore, to beg that you will consider the correspondence on my part amended by striking out the words "Captain Pinkney" wherever they occur and the insertion of

"Willard," and also by striking out any words of respect or praise in my first letter, qualifying the words "Captain Pinkney," as not applicable to the word "Willard," for I should as greatly regret the waste of civility on the latter as I do the unintentional or mistaken application of any censure to the former.

I am, sir, very respectfully, your obedient servant,

Z. B. VANCE.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 14, 1865.

PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the House of Representatives referred by Your Excellency to this Department:

Resolved, That the President be respectfully requested to inform this House—

First. As to the number of iron furnaces and forges worked in the year 1864 by officers and agents of the Government, and on Government account.

Second. As to the cost per ton of pig, bloom, and box iron, respectively, at such furnaces and forges.

Third. As to the number of iron furnaces and forges worked in the same time by the proprietors under contract with the Government, and the different kinds of contract so made.

Fourth. As to the cost per ton of pig, bloom, and box iron delivered to the Government under such contracts.

In response I have the honor to transmit herewith a report from the chief of the Niter and Mining Bureau containing the information called for by the House.*

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

GENERAL ORDERS, No. 6. } ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, February 14, 1865.

I. The inspector-general of field transportation is authorized to receive from citizens animals suitable for the public service, and to issue to the persons from whom they are received certificates pledging the Government of the Confederate States to return to them, or their assigns, animals of like quality after the termination of the war with the United States.

II. Brig. Gen. Gideon J. Pillow is constituted Commissary-General of Prisoners, and will enter at once upon his duties, as designated in paragraphs I, II, and III, General Orders, No. 84, 1864.

III. In the impressment of labor for twelve months, under the act of Congress approved February 17, 1864, all slaves hired in Government shops and yards, and for other local purposes, to Government officers and agents, or to railroad companies, or contractors with the Government, will be assessed only in the same proportion as the other slaves on whom the assessment for the balance of the quota of the county or district shall be made. Persons who have hired their slaves to Government officers or agents, or contractors, or to railroad companies, will be assessed only on the number of their slaves not so hired.

IV. Mechanics, artisans, &c., of the Ordnance Department, employed at the various armories, arsenals, and depots, as shown by the monthly rolls of hired men on the 31st of December, 1864, will not be

*Not found.

interfered with by enrolling officers, whether their details have or have not been renewed, provided such details have been applied for. The certificate of the commanding officer of the arsenal or depot will be accepted as evidence of the fact of application for renewal of detail.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 38. } HDQRS. DEPT. OF S. C., GA., AND FLA., *Charleston, S. C., February 14, 1865.*

* * * * * * *

VII. By order of Adjutant and Inspector General, Lieut Col. J. G. Tucker, commanding First Foreign Battalion, will recruit his command from the prisoners of war. He will increase each company of his regiment to 125 men.

In making his selection he will take only men of Irish and French nationality. These men will be used for engineering service.

By command of Lieutenant-General Hardee:

H. W. FEILDEN,
Assistant Adjutant-General.

GENERAL ORDERS, No. 7. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 16, 1865.*

I. The following act of Congress is published for the information of the Army:

AN ACT to amend the act to provide an Invalid Corps, approved February 17, 1864.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the provisions of the said act be, and they are hereby, extended to all non-commissioned officers, musicians, and privates of the Army, and seamen, ordinary seamen, landsmen, and boys of the Navy, and the non-commissioned officers, musicians, and privates of the Marine Corps, who have heretofore resigned or been discharged honorably, or who may hereafter resign or be discharged honorably from the service, in ignorance of the above-recited act.

SEC. 2. That the President, by and with the advice and consent of the Senate, may, and he is hereby, authorized to reappoint to their former rank meritorious disabled commissioned officers of the Army, Navy, and Marine Corps, who may have resigned their commissions in ignorance of, or prior to the passage of the act of the 17th of February, 1864, to which this is an amendment; and in that event, the persons so reappointed shall be put in the Invalid Corps on the same terms, and with like privileges, as those constituting said corps, in pursuance of said act to which this is an amendment: *Provided, however*, That the President shall make no reappointment under this act, unless the person applying therefor shall have a certificate of one of the medical examining boards of his continued disability; and any such officer assigned to active duty shall rank from the date of such assignment to active duty: *Provided*, That from and after the passage of this act, the compensation of retired officers shall be half pay, without any other emoluments or allowances, unless while assigned to duty, when they shall receive the full pay and allowances appropriate to their rank.

Approved January 27, 1865.

II. Disabled officers of the Army, who resigned their commissions in ignorance of, or prior to, the passage of the act "to provide an Invalid Corps," and soldiers honorably discharged from the service prior to that time, may appear for examination before any one of the medical examining boards established by law, upon presenting their

affidavit, before the judge of any court of record or notary public, that their disability, from wounds or other causes, was incurred in the line of duty in the service. The time when such disability occurred, and the circumstances attending it, will be stated in the affidavit, and also the command to which the officer or soldier belonged. The affidavit of the officer will further state any fact showing meritorious service.

III. The Board, which will be composed of three medical officers, will examine the officer or soldier and certify to the character and degree of his alleged disability. The affidavit and certificate will be forwarded by the Board, through the Surgeon-General, to this office.

IV. Meritorious disabled officers will be reappointed to their former rank, and, when confirmed, will be placed upon the retired list. Their pay will then commence. Soldiers embraced in the provisions of this act will be retired by orders from this office only, from the date of which they will be entitled to pay.

By order:

S. COOPER,
Adjutant and Inspector General.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., February 16, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: I have somewhat delayed answering the circular from your office of the 7th instant, in order to present a more complete and satisfactory reply. I now have the honor to submit the following statement of the means and resources for carrying on the service confided to this Bureau, impediments thereto, and what is desired to promote greater and necessary efficiency.

To this end I propose to lay before you—

First. A statement in regard to officers of engineers and engineer troops, their number, assignments, and the necessary increase demanded by the interests of the service.

Second. Engineer workshops.

Third. Railroad repairs, including the collection of railroad iron by a special commission.

Fourth. Labor required for all the service confided to the Engineer Corps, whether military or civil, including its organization.

First, then, in regard to officers, there are—

In regular Corps of Engineers	13
In provisional Corps of Engineers	115
In engineer troops	105
Assigned to engineer duty	13
Total	246
Officers of regular corps on other duty	7
Total available for engineer service	239

The officers of the regular and provisional corps are distributed to the different armies and departments in such manner as to meet the most urgent calls of the engineer service, and the companies of engineer troops are serving, as a general rule, with the armies and in the

departments in which the divisions are from which they are taken, as follows:

	Companies.
Army of Northern Virginia	12
Army of Tennessee	10
Department of North Carolina	1
Department of South Carolina, Georgia, and Florida	2
District of the Gulf	1
Trans-Mississippi Department	9
Total	35

Of these companies, three with the Army of Tennessee and three in the Trans-Mississippi Department have not as yet, however, been fully organized. It is proposed to create one more in the Trans-Mississippi, thus making a full regiment, and one more in the Department of South Carolina, Georgia, and Florida, to be employed chiefly as artisans.

As there is still an urgent demand for engineer officers, an application has been made, on my recommendation, to Congress for twenty-two additional officers in the provisional corps. This bill has passed the Senate and will, it is hoped, at an early day be favorably considered by the House and become a law. If so, nominations for suitable appointments will be promptly made by the Bureau.

The assignments of the few military engineers who joined the Southern Army at the commencement of the war to duty with troops have been a serious drawback to the engineer service, which has heretofore been performed in a great measure by civil engineers, who have been appointed from time to time in the corps.

Second. Engineer workshops for the manufacture of tools, implements, and preparation of material for pontoon bridges have been established at Richmond, Charleston, Augusta, Mobile, Demopolis, and in the Trans-Mississippi Department, from which the calls from the different armies and departments have been, as far as practicable, supplied. The great difficulty in this direction has been the want of materials, particularly iron for tools and bridge construction—a want owing principally to the disturbed condition of the country and defective transportation.

Intrenching tools have been obtained by importation to a considerable extent, and funds have been sent abroad to purchase others, but the closing of most of our regular ports of entry, it is feared, will prevent their being received.

Third. For the prompt repair of railroad bridges and trestle-work and for duplicating these last, an organized body of mechanics should be available. This has been partly provided for, but it is proposed to increase the force, if practicable, to at least 100 for the roads leading directly to the Army of Northern Virginia. Similar organizations should be made for service farther south and west.

A commission for the collection of railroad iron from unimportant lines and distribution, when necessary, to those of vital consequence, as well as the construction of iron-plated gun-boats, has been organized by the joint action of the War and Navy Departments. Every possible impediment has been thrown in the way of this commission, and serious delays have been caused under the impressment act by parties suing out injunctions and resorting to other similar legal steps. In many cases the iron rails must be had promptly as a military necessity or disaster must follow. When this is established the authority for

removing them from less important roads should be given and enforced by the commanders of armies and departments, who are evidently the best prepared to judge and act. Orders from the War Department must be executed under the provisions of the law regulating impressments. Orders from commanders under military necessity can be at once carried into effect.

Fourth. Labor. The greater part of the labor connected with the engineer operations has been performed by fatigue parties, by engineer troops, by a limited number of details for mechanical service, and by negroes hired and impressed; but from all these sources the supply has been inadequate. A better and more permanent organization of negro labor is demanded for military and civil engineer service to the extent of about 29,000 men (7,000 being for the Trans-Mississippi Department), not including those needed as teamsters and cooks for the workshops and other local service.

It has been made the duty of the Bureau by General Orders, No. 86, 1864, to organize all the slave labor called under act approved 17th of February, 1864, for service with our armies, and officers have been appointed to attend to the same.

But up to this time the number of slaves impressed by conscript officers and delivered for organization is small, and I fear that unless the impressments are made more rapidly than heretofore that this labor, so essential, will not be available in time. The organization will be made as rapidly as the negroes are received. There will be required a number of men, chiefly from the reserve forces, as directors, superintendents, managers, and overseers, a part of whom will be considered as engaged in the engineer service.

In addition to the foregoing the details of about 1,700 able-bodied men (400 being from the Trans-Mississippi Department) is required. A large proportion of these necessary details has already been made by local commanders, and the men are constantly and fully employed.

It is hoped that the foregoing statement furnishes, approximately at least, the information desired.

I have the honor to be, with great respect, your obedient servant,

J. F. GILMER,
Major-General and Chief of Bureau.

CONFEDERATE STATES OF AMERICA,
QUARTERMASTER-GENERAL'S OFFICE,
Richmond, February 16, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: In response to your circular of the 7th instant calling for a statement of the "means and resources on hand for carrying on the business of this Bureau," &c.; also "what impediments exist," &c., I have the honor to call your attention to the following papers:

First. A statement prepared by Major Cole in reference to the requirements of the service as to field transportation and the means necessary for meeting the demand. This paper shows the great scarcity of horses in the country and the difficulty of procuring them, together with the measures being adopted for the purpose. The great obstacle at present is the want of funds.

Second. A statement from Major Cross relative to the supply of clothing, present and prospective. The difficulties encountered in this

branch of the department arise from scarcity of wool, the frequent stopping of the work by ordering away the operatives, and the want of funds.

Third. A communication from Lieutenant-Colonel Sims as to the condition of railroad transportation, the wants of the railroads, &c. The chief difficulties encountered there arise from defective machinery and the impossibility of supplying new, the want of legislation giving the Government proper control over railroads and their employés and the want of funds to pay the roads so as to keep them in as good condition as the blockade and the limited resources of the country will permit.

Several special communications on this subject have been addressed by this Bureau to Honorable Secretary of War. At present this department has no control over railroads except so much as has been yielded by contract or courtesy.

The supply of grain and long forage in the country is believed to be quite enough to supply the public animals, but no distinct opinion can be hazarded as to the ability of this Bureau to supply it to the armies during the coming campaign, as so much will depend on the relative positions of the different armies and the preservation or destruction of our lines of transportation.

To sum up, I venture to state that this Bureau can conduct its operations with success enough to sustain our armies if labor is allowed to the various workshops on which it depends, without interruption; if the privilege of detailing contractors under certain circumstances be continued, and the necessary funds are promptly furnished. Without these this department is powerless and the want of them is fast paralyzing its efforts.

Very respectfully, your obedient servant,

A. R. LAWTON,
Quartermaster-General.

[Inclosure No. 1.]

OFFICE INSPECTOR-GENERAL FIELD TRANSPORTATION,
Richmond, February 1, 1865.

General LAWTON,
Quartermaster-General:

SIR: The urgent request of General Lee, made to me in person, and that of his chief quartermaster, to be prepared to equip his artillery and transportation with animals, added to the calls made upon me for the same supplies for armies south, induces me to address you this communication, in which I desire to recapitulate what I have before at different times, in writing and verbally, had the honor to submit to you on the subject of the number of animals needed to equip our armies for the spring campaign, and the source from which such supplies are to be obtained. As the officer charged with the providing of horses and mules for the armies of the Confederate States, I feel it to be due to myself for the record to show that I have taken all necessary steps to a proper discharge of my duty to ascertain the resources of the country and to suggest plans by which deficiencies may be supplied, and that should the demand made on me not be met, and any damage result from such failure, I may be exculpated from blame by reference to my official communications. The inability of the Confederate States east of the Mississippi to sustain the draft which would be made for horses and mules for the coming campaign, was discussed and announced by me in May last when

I was procuring such supplies for General Johnston's army. The number estimated by me at that time to be necessary must be largely increased by reason of the losses sustained in General Hood's campaign in Tennessee.

In May last I dispatched an officer to General E. K. Smith, commanding Department Trans-Mississippi, with letters to him announcing our necessities, and urging him to send us a portion of the animals which he was reported to have captured from the Federal Army, and asking that funds might be furnished and permission granted to my officer charged with the business to go into Mexico and procure animals to be sent over this side. In both I was disappointed, and in August following I suggested the plan, since adopted and sought to be executed, of procuring a large number of animals from Mexico. Owing to the delays in procuring the funds, and from the fact that no one has yet been selected to proceed to Texas in charge of the operation to be undertaken, we cannot expect to receive a first installment from Mexico under three or four months; and even should General Smith consent to furnish us any out of his supply (which I have again asked him for), we cannot receive them before about the middle of March, and to obtain any at all now within the periods named a proper officer must be in Texas to conduct business.

I have also proposed that I shall be provided with necessary means and authority to procure supplies and animals from the enemy's lines, which I have every reason to feel assured can be done to a large extent. I am informed by my officers (certainly reliable) that horses and mules can be obtained, deliverable in Mississippi, payable in cotton, on the following terms, viz: First-class artillery horses for 600 pounds of cotton, second class for 500 pounds, and third class for 400 pounds; but to do this my officers must have the cotton in hand, so as to receive the animals and deliver the cotton at such times and places as opportunity offers. In Virginia the prices asked, payable in gold, is, for first class, $60, and it is thought that 2,000 can be obtained in that way. The number that can be had in Mississippi in a space of two or three months is put down at 2,000. I have before informed you that, according to my information, there will be needed for the armies of the Confederate States at least 6,000 horses and 4,500 mules. The number to be procured in the Confederate States east of the Mississippi by impressment depends on the decision which may be made as to the quantity of animals the farmers will be allowed to keep as essential to their operations. I estimate the supply to be obtained from all sources (provided I am furnished means) not to exceed 5,000 animals on this side of the Mississippi. This leaves a deficit of 5,500 to fill my estimate. If the horses are not supplied the military operations are checked and may be frustrated. If the farmers are stripped of a portion of the animals essential to the conduct of their agricultural operations there must be a corresponding reduction of supplies of food for man and horse.

Convinced as I am that the best and only means of procuring the needed supply of animals are those that I have indicated; feeling deeply the pressure of the demands made and to be made on me to furnish such supplies; dreading the consequences of a failure to meet such calls, and fearful that I may be exposed to censure for such failure, I respectfully urge that I may be immediately put in possession of the necessary means to carry into effect the plans for providing the animals needed, than which I confess myself unable to suggest any other; or that, in case it shall be decided that my plans are

impracticable and the means I ask for cannot be furnished, that I may be relieved from the duty I am now performing, and some one be appointed in my stead who can dispense with what I consider and have stated to be indispensable to enable me to successfully perform the duty.

I think it proper to again repeat what I have before asked to have done in order to secure the needed supplies.

First. With respect to the operations in Mexico and Texas, I estimated that the sum of £350,000 in sterling or gold turned over to me, say, at the rate of £100,000 per quarter, would enable me to obtain about 15,000 animals, at the rate of about $60 per head. I was informed by you that this amount would be furnished by the Treasury. I received letters of credit for £50,000 and sent it to Texas by Maj. W. S. Harris, and further amounts are now required. An officer to control and manage the business is wanted, one possessing the qualifications which I had the honor to state I deemed requisite. No one has been yet assigned to the duty; nothing can be done until such officer arrives in Texas.

Second. The purchase of horses and mules to be delivered in Mississippi from the enemy's lines to be successful must be conducted on the simplest plan. The officer who receives the horses must have in his hands the cotton to make instant payment. It must be at suitable points for being carried off easily. He must not be trammeled by officers of other branches of the service, and so situated as to be able to fulfill his engagements promptly and surely. If he is to get his cotton paid through Treasury agents (and not allowed to purchase it himself) and be governed by them as to the price he is to pay for horses, I fear he will fail to carry out the object.

Third. To obtain horses in Virginia, gold or Federal money is essential. They can be purchased for gold at rates below those prevailing before the war. This is not the case with other articles of military supplies in the Confederate States obtained from abroad by the Government. I am induced to believe that 2,000 horses can be had in a short space of time along the lines of Virginia and North Carolina from the enemy's lines if money can be supplied, and at prices perhaps not greater than we expect to pay in Mexico.

I beg leave respectfully to request that I may be officially informed as soon as possible the decision in reference to the before-mentioned subjects, in order that I may be enabled to give General Lee an exact statement showing to what extent he can rely upon this office for the animals deemed necessary to place his army on a footing for active service in the spring. I have not been able so far to reply fully to General Lee's inquiries, for the reasons herein stated as remaining open for determination.

I have the honor to be, sir, very respectfully, your obedient servant,

A. H. COLE,

Major and Insp. Gen. Field Transportation, C. S. Army.

[Inclosure No. 2.]

Memorandum of resources of Department of Clothing, Camp Equipage, and Miscellaneous Stores.

1. The inclosed report will show what has been furnished the armies of the Confederate States in the way of clothing within the past six

months. The issues show a fair provision in all articles save overcoats and flannel jackets, and in some instances an extravagant consumption of supplies. The condition of the troops in connection with the issues made suggests either an imperfect distribution of supplies, or waste on the part of the individual soldiers, or it may be both. The latter is known to prevail to an extent that makes it a great abuse.

2. As to the future the greatest difficulty will be to provide the raw material—wool and leather—the former, especially. The manufacturing facilities are ample. Efforts are being made to supply the deficiency of wool from the trans-Mississippi region, where it is abundant. Some deliveries have recently been made on this side. The wool is worked up as rapidly as had. By using cotton clothing during the summer and spring and reserving the woolen goods for fall and winter, it is hoped and believed that enough may be had to prevent suffering next winter. We will get through this season without much trouble. There is a fair supply of leather, or hides in the vats, and a moderate supply of shoes on hand.

The blankets now in the hands of the soldiers must be turned in in the spring for reissue, as there is not in the entire Confederacy a single establishment that makes them. Machinery had been ordered from abroad. The supply of cotton clothing has heretofore been abundant and is now ample. There will be no difficulty hereafter on this head, at least so long as the railroad connections can be relied on to make the raw material of one section available in another. It is now very hard to keep the factories in Virginia even partially supplied with cotton.

To accomplish anything, however, it is really indispensable that some relief be extended, and that promptly, as follows:

First. Money, or some equivalent, must be had to keep the machinery of the department going. Arrearages especially should be provided for. For instance, over $5,000,000 is now due to the factory interest alone for goods long since delivered and expended, and that, too, after a liberal use of call certificates, non-taxable bonds, and even the raw material—cotton. All the factories are under contract to deliver at fair rates two-thirds of their production. They all work under a uniform system; one built up with care and labor, and with a result perfectly satisfactory. The whole unfortunately is about to crumble in for the want of funds, the factories being without the means to meet current expenditures, even at times to pay taxes. Their only relief is to put their production upon the market, and the department is in no position to complain of the loss of material.

Second. If money can be supplied, then the system of barter now almost universal should be checked or at least placed under restrictions. The necessities of the Subsistence Bureau have compelled with it a free resort to barter. The Niter and Mining Bureau has also gone largely into it. In Virginia especially this has been done. Material needed for the manufacture of clothing for the Army has been diverted from its legitimate use. Thus cotton is expended here when the factories have stopped work for the want of same; cotton yarns are made way with, needed for army socks; and also shirtings and osnaburgs, needed for clothing and forage sacks. The Subsistence Bureau has now some 150 bales of osnaburgs stored here to be used in barter, and this department is without a single yard of material to make into shirts or drawers. General Lee represents his army to be in want of underclothing, and a call has recently been made for 12,000 shirts, which for the first time could not be sent forward promptly. That

illustrates strongly the drawbacks resulting from an attempt to relieve the necessities of one branch of the service by diverting irregularly material due to another. If barter must continue, can't it be restricted, and as far as possible articles like tobacco used in lieu of what goes to make up essential military supplies? The department has struggled on successfully in the past notwithstanding this serious difficulty, but some relief is needed for the future.

In the same way hides of beeves slaughtered by commissaries are made way with, though due to this department under general orders, and absolutely essential to the continued supply of shoes to the Army. The practice of purchasing beeves with the obligation to return the hides to the seller should be discontinued.

Third. Some protection similar to that given to the factory operatives by Special Orders, No. 310, paragraph XXXII, should be extended to the detailed men of mechanical skill employed in the established workshops of the department, so as to guard against unnecessary interruptions and consequent loss of supplies.

With some relief in these particulars to develop home resources, and such aid as may be looked for from abroad through contracts encouraging individual enterprise, a reasonable confidence is felt that a sufficiency of army clothing can be provided, at least for the present year.

These remarks apply equally to camp equipage and miscellaneous stores.

Respectfully submitted.

WM. B. B. CROSS,
Major.

[Inclosure No. 3.]

CONFEDERATE STATES QUARTERMASTER'S DEPARTMENT,
OFFICE SUPERINTENDENT RAILROAD TRANSPORTATION,
Richmond, February 10, 1865.

Brigadier-General LAWTON,
Quartermaster-General:

GENERAL: In making the report you ordered upon the condition and wants in regard to transportation by railroad, it may not be improper to call your attention to the cause of the difficulties which have always attended it with increasing force as this city is approached.

In North Carolina and Virginia, where transportation bears the most heavily because of its increasing volume as you approach Richmond, the roads are the least able to bear it. They were constructed and equipped to transport that great stream of travel between the North and South, and with no expectation of a heavy freighting business, prepared themselves with such machinery as was adapted to carrying a light train very rapidly. So long as the Army could draw supplies from any quarter, and the lines running south as far as Wilmington and Charlotte were called on only to transport men, the work was performed promptly and well; but when supplies failed in Virginia and North Carolina, and Georgia and South Carolina had to furnish them, an immense business was at once created upon those lines, which they were unprepared to meet; their engines were light and few in number, and their cars the same. Had the gauge of the tracks south suited, machinery might have been drawn from there; but this not being so, we have had to struggle against a heavy business

with inadequate means of performing it. Under these circumstances any machinery will depreciate; it is overworked and not well attended to, and must inevitably grow less reliable. New cars are being built, though the difficulties encountered retard the progress very much; but new engines cannot be manufactured in the Confederacy.

It becomes all-important, then, that those we have should be preserved in good repair, and here we meet the really great difficulties arising from the scarcity of mechanics and materials. The hardships of the war and the fear of conscription have induced many of this class to leave the Confederacy. Most of them were natives of the United States, feeling but little or no interest in our country or cause. They are generally of a roving and reckless character, forming attachments to places but rarely, and impatient of restraint. Many of them enlisted and have been killed, so that the number in the country has been constantly decreasing. This deficiency cannot be supplied as in ordinary times by the instruction of apprentices because the conscript law takes them for the Army just at the period when they are learning to be useful, nor can they be induced to come from abroad at the present pay, and with the fear of the Army before them.

To the want of mechanics is to be added the want of materials. Not a single bar of railroad iron has been rolled in the Confederacy since the war, nor can we hope to do any better during the continuance. The main lines will be kept up by despoiling the side lines, but if our lines should expand and the rails and machinery be taken away by the enemy we could not replace them. But without discussing the supply of rails, which is in the hands of a special commission, there are many articles of iron which cannot be had because of its scarcity. Aside from iron there are copper, pig-tin, steam gauges, cast steel, files, &c., without which it is impossible to maintain engines. They are as necessary as iron. Heretofore a small supply has been had through Wilmington, but with that port closed we are cut off entirely, except by trading with the enemy and paying in cotton. With plenty of mechanics and material the machinery now in use could be improved and there would be a corresponding improvement in transportation; but it should be borne in mind that as machinery grows older it takes more work to keep it in efficient condition, and therefore the same men and material now do not accomplish so much as at the commencement of the war.

Your earnest attention is called to the entire absence of responsibility of railroad officers to any military authority. It is true there is a kind of moral influence exercised over them rather from some undefined idea that the hand of Government can reach them than from any other cause. The public and indeed most of the officers are under the impression that your Bureau has supreme power over all the railroads and trains in the Confederacy, and had but to order them at your will to any point you desired. As to the men, they are exempt and enjoy almost entire immunity from the ordinary means of punishment. The only attempt yet made to render the railroads amenable to some authority has resulted in a law so full of loopholes that it is inoperative. These are the main reasons why our railroad transportation is already deficient and daily depreciating. Efforts are being made to purchase materials, but success is quite uncertain. At present this want is not so serious as the want of mechanics, though it may become so if the materials are not obtained.

It may not be out of place to mention that, notwithstanding the scarcity and value of this kind of transportation, it receives but little

protection or security from our armies, which seems strange, when not only their comfort but their safety depends on its efficiency. As cases in point, and of recent date, is the loss of cars and engines at Atlanta, Griswoldville, Gordon, and Savannah, footing up probably 25 engines and 400 cars, or an equipment greater than we now have to work the Richmond and Danville Railroad.

I am, general, very respectfully, your obedient servant,

F. W. SIMS,
Lieutenant-Colonel and Quartermaster.

[FEBRUARY 16, 1865.—For Longstreet to Kershaw, Pickett, and Benning, asking an expression of opinion on the subject of putting negroes into the field as soldiers, see Series I, Vol. XLVI, Part II, p. 1236.]

HEADQUARTERS VIRGINIA MILITARY INSTITUTE,
February 17, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

DEAR SIR: The present state of the country justifies any one in presenting for the consideration of the Government well-meant suggestions, even if they should appear crude to those who are better informed.

The tone of public sentiment and the tenor of present legislation indicate that the call of General Lee for negro troops will be responded to.

I suggest that the maximum number allowed to be raised should be half a million.

I do not suppose that so many are required or could be obtained. But to place the maximum at this figure would, I believe, inspire dread in the minds of our enemy, who exaggerates, through ignorance, our power in this particular; and further, to call for half a million would, by the effect upon the minds of owners and slaves, facilitate and insure the raising of 200,000.

The second suggestion I would make is, that in the event of the troops being raised you might command the services of our corps of cadets with their officers to perform the work of organization and drilling in the shortest time, and with the greatest efficiency.

In 1861, between the 20th of April and the 20th of June, the cadets drilled 15,000 men of the Army of Northern Virginia, and if a large camp of instruction were established at Camp Lee the same work could be done for all of the negro troops that would be sent there.

Allow me to say that these suggestions are the result of conversation among some of the officers of our school, and the last one is contained in a letter to me from General Smith, our superintendent, who is now absent at Lexington.

Very respectfully, general, your obedient servant,

J. T. L. PRESTON,
Acting Superintendent Virginia Military Institute.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 18, 1865.

JEFFERSON DAVIS,
President of the Confederate States:

SIR: I invite your attention to the condition of this Department in respect to its claim upon the Treasury, and the necessity for prompt attention to that claim.

The requisitions of this Department on the Treasury since the commencement of the war have been as follows:

1861	$59,516,129.75
1862	398,259,436.51
1863	512,278,188.54
1864	670,663,396.89
1865	97,028,970.14
Total	1,737,746,121.83

Of the requisitions for 1864 and 1865 there remain unpaid the sum of $161,322,573.45, and besides this the sum of $69,601,422.58, which were drawn prior to the 1st of April last in old issue returned to the Treasury. The amount actually drawn from the Treasury in 1864 was but $422,344,319.10. Of this sum $320,721,116 was paid since the 1st of July last, showing that only $101,623,203.10 was paid during the first six months of the last year.

This statement will account for the large arrears in this Department. The whole of the facts will show that the arrearages must be much greater than is apparent from the preceding statement, by a comparison of the expenditures of this Department with those of the War Department of the United States.

The expenditures of that Department for the year ending 30th of June, 1862, are as follows:

June 30, 1862	$394,368,407.36
1863	599,298,600.83
Estimate for year 1864	738,829,146.80
Six months of 1864, till December 31	369,414,573.40
Total	2,101,910,728.39

When it is considered that the currency of the Confederate States has been inferior to that of the United States during the whole term of the war, and that all of the material of supply has been obtained with difficulty and at excessive prices in the Confederacy, the comparison is not out of place.

The estimated arrearages beyond the amount of the requisitions is $200,000,000, and this estimate is under rather than over the deficiency.

The Army pay is in arrear for several months. This is an excuse for desertion, the sale of clothing, equipments, and munition by the soldiers. The operatives in the workshops are suffering, and many have deserted. The railroad service is reduced to the lowest point of depression from the same cause. The soldiers in hospitals and who have been furloughed or returned are deprived of many necessaries. Throughout the whole country discontent and discredit has arisen from the failure to pay for supplies of food and animals that have been impressed.

It is plainly impracticable for this Department to carry on any of its operations under such a condition of things.

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 18, 1865.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have the honor to acknowledge the receipt of the following resolution of the Senate adopted on the 24th ultimo:

Resolved, That the President of the Confederate States of America be respectfully requested to furnish the Senate—

First. With information as to the number of white men between the ages of eighteen and forty-five, and of the number of negroes who, in addition to their own officers, may be required for the necessary employments and the proper discharge of the functions of the Department of Medicine, of the Commissary-General, of the Quartermaster-General, of the Engineers, of the Ordnance, and of the Niter and Mining Bureau.

Second. A like estimate as to the Post-Office and Navy Departments.

Third. A like estimate in regard to the railroad transportation of the country, including not only the working, but the equipment, repairs, and construction, in his consideration, of the number required for such transportation.

Fourth. To specify the railroads, if there be any such, whose repairs and construction, in his opinion, will be necessary for military purposes and ought to be effected in whole or in part by appropriations from the Confederate Treasury.

In response to the foregoing resolution I submit the inclosed communications from the respective bureaus of this Department to whose operations the inquiries relate.

From these it will appear that the six supply departments mentioned in the first clause of the resolution require for their operations—

	Whites.	Negroes.
Niter and Mining Bureau	5,347	7,881
Engineer Bureau	1,297	21,125
Ordnance Department	3,691	2,245
Medical Department (able-bodied, 257; disabled, 1,995)	2,252	2,000
Commissary (incomplete)	736	1,047
Quartermaster, exclusive of railroads	2,299	3,451
Total	15,622	37,749

The estimate of the Commissary-General does not embrace the States of Georgia and Florida, for the reasons stated by him.

In response to the third clause of the resolution the Quartermaster-General finds himself unable, for the reasons assigned by him, and by Lieutenant-Colonel Sims, in charge of railroad transportation, to state the number of men required. These numbers vary so greatly with the varying conditions of the country, the positions of the armies, and the consequent changing demands upon different railroads, that even an approximation in numbers is difficult.

In response to the fourth clause, the Chief of Engineers and the Quartermaster-General concur in indicating the following as the most important railroads, the repairs or construction of which are necessary for military purposes, viz:

First, the connection of Columbia, S. C., with Augusta, Ga.; second, the connection of Albany, Ga., with Thomasville, Ga.; third, the connection of Union Springs, Ala., with Montgomery, Ala.; fourth, the connection of Montgomery, Ala., with Selma, Ala.; to which the Chief of Engineers adds: Fifth, the completion of the railroad bridge over the Tombigbee River at Demopolis, Ala.

I concur in the recommendation of the Chief of Engineers, that instead of making separate appropriations for the construction of particular works, and for repairs, that a general appropriation be

made for construction and repairs of railroads necessary for military purposes, to be applied to such works as the future exigencies of the war shall indicate to be most essential.

Respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

[FEBRUARY 18, 1865.—For Gordon to Lee, in relation to enlistment of negroes as soldiers, see Series I, Vol. LI, Part II, p. 1063.]

RICHMOND, VA., *February 20, 1865.*

THE HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

I submit herewith to your honorable body a report from the Secretary of War, dated the 18th instant,* exhibiting the condition to which the public service is now reduced by the want of means in the Treasury to furnish the supplies needful for the Army and for the public defense. The urgency for the passage of some revenue bill has now become so pressing as to threaten the gravest consequences. I am fully aware of the embarrassments which have retarded the action of the House in the performance of its exclusive constitutional function of originating a bill for raising revenue, and that the great diversity of opinion which must exist on so complex and difficult a subject has prevented the adoption of measures recommended by the Committee of Ways and Means of the House, as well as of those recommended by the Secretary of the Treasury. I would, however, respectfully suggest that our affairs are now in a position so critical that objections which under other circumstances would be regarded as insurmountable may well be waived in favor of any scheme of finance or taxation that will enable the Treasury promptly to meet our most pressing wants, and that immediate legislation, even if somewhat imperfect, is preferable to wiser measures if attended with delay.

In connection with this subject I would invoke your attention to the need of prompt action for adding to our strength in the field. Very few weeks now remain for preparation, and we are threatened by a concentration of forces around us which cannot be successfully resisted without the aid of large re-enforcements to our armies.

It is with trust in your wisdom and patriotism that I obey the behest of the Constitution in placing before you this information of the state of the country, confident that you will need no further stimulus than the knowledge of these facts to induce such action as will avert the perils which now menace our country.

JEFFERSON DAVIS.

LYNCHBURG, *February 20, 1865.*

His Excellency President JEFFERSON DAVIS,
Richmond, Va.:

SIR: The subject of an adequate supply of food and clothing for the Army and people is one of the most important now forced upon the consideration of the country. We are cut off from foreign supplies, and although blessed with a fertile soil and an abundance of raw material, we find ourselves unable to utilize these blessings from

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* See p. 1094.

the want of skilled labor and machinery for converting them to useful purposes, so that in the midst of plenty we are in want. The enemy have systematically destroyed all the agricultural implements and manufacturing machinery wherever they have gone, believing that we have not the skill or energy to reproduce them. This state of affairs arises from the lamentable indifference which we showed to such matters before the war, relying on others to furnish us with much of our food, all the means for producing it, and nearly all of our clothing. As nearly the whole world have shown themselves our enemies in this great contest, it is to be hoped that we will learn to provide for ourselves in future. The question now arises, Can this deficiency be supplied in a reasonable length of time? Having had much experience in such matters in Europe and America, I reply, with proper energy and liberal action on the part of the Government it can. I have already arranged for the manufacture of spinning machinery and looms of a simple and cheap pattern; also agricultural implements, such as are most needed, and now ask for the sympathy and approval of Government in enabling me to extend the sphere of usefulness.

Another view may be taken of this subject. The depreciation of the currency has gone on to such an extent that in many places it has lost its purchasing power, thereby compelling resort to impressment, and as a direct consequence thereof lessening production. As the value of Treasury notes decreases, the expenses of the Government proportionately increase, and if this continues the time must come when they will be totally valueless unless some assistance can be obtained in reducing the necessity for their use in obtaining supplies without the system of impressment, so objectionable to our people. If some medium of exchange or barter between the people and the Government approximating nearer the value of specie than Treasury notes do can be found, of which the latter have control, and the former used, much relief may be given the Treasury Department, and a healthy state of trade re-established, resulting in increased production, and doing away with the necessity for impressment—the curse of the country. There is one particularly suited, sufficiently compressed in bulk, and of high value, and will admit of comparatively easy and cheap transportation from point to point. Cotton yarns are needed by the people for manufacturing clothing, for which they will readily exchange the products of their farms, on a specie basis. The Government holds a large amount of cotton, which is now dead capital. It also controls or can control the products of the factories. Let it then exchange on a liberal basis with the factories cotton for yarns and cloth, and if needs be seize all of the cotton for such purposes. Then exchange those yarns with the people for agricultural products. But the supply of yarns or cloth from the factories now in operation would not be sufficient to supply the demand for both Army and people. More machinery must be put in operation, under some well-regulated system, so that the whole country may become one great manufactory. The Government must, therefore, encourage the establishment of more factories by stimulating the manufacture of machinery, and induce the people to weave more cloth than they need for their own use, and exchange the same for some article which the Government may have and that they need—Treasury notes or even specie. In this way the necessity for the use of Treasury notes may be reduced to the smallest possible limits, and by judicious taxation the circulation be rapidly reduced, and along with it the expenses of the Government.

In order to carry out this system, I propose, first, the removal of all factories, or their most valuable machinery, to safe points near the base of the mountain ranges, where water-power is abundant and approaches by the enemy difficult. Next, the establishment of small factories at various points of like character. Around these, as centers, the women of our country, who have been deprived of all and driven from their homes by the enemy, could be collected the wives and daughters of soldiers and others in indigent circumstances. There they would not be likely to be disturbed by the enemy. Being thus distributed, could be much more easily fed, and escape the demoralizing influence of large cities, and the country be greatly benefited by their labor, which would be light and highly remunerative to them, thereby lessening suffering at home, and consequently decreasing discontent in the Army. So situated, no one raid of the enemy could inflict irreparable injury to the country. Cotton would be near at hand, labor abundant, and the necessity for the transportation of food and material to and from great centers of trade and manufacture greatly reduced. I propose, also, to furnish to the women of the country generally yarns, and a simple and cheap pattern of looms, taking pay for the same in cloth made by them. This system, once inaugurated under a properly organized bureau of industry, would save every department a vast deal of trouble and expense, and in a short time almost every house in the country would be contributing its weekly quota of cloth for the Army and people. I am aware that this system of barter has been adopted to a limited extent by some of the departments, but the supply has not been proportionate to the demand for the article most needed. What I now propose is, that it should be made a part of the governmental system, from which the most happy results would ensue:

First. A supply of food and clothing for the Army and people at or near a specie valuation.

Second. A new medium of exchange would be established between the Government and people at or nearer specie value than Treasury notes now are; thus the expenses of the Government, and consequently taxation, would be lessened, and the necessity for impressment, so objectionable to the people, almost entirely avoided.

Third. The utilization of the cotton now in the hands of the Government, rapidly deteriorating and being destroyed or captured by the enemy, and by reason of the closing of our ports, almost useless.

Fourth. The employment of the female labor of the country profitably and advantageously, thereby lessening distress at home and consequently discontent in the ranks in the field.

Fifth. The establishment of a great industrial system, which would be of immense advantage during the war and give us practical independence for all future time. I claim no great foresight for these suggestions, for they are called forth by the exigencies, although the principles of action contained therein have long been entertained; but I earnestly hope that they will receive due consideration by the Government, as the only means left to us of supplying our most pressing wants.

Under a firm conviction of the efficiency and practicability of the scheme, I have commenced the work, and earnestly ask for the sympathy and approval of the Government as necessary to its success. After an experience of twelve years, and a close study and observation of the industrial systems of Europe and America, aided by an intimate acquaintance with the resources of the South, I am prepared to say that the means necessary for the accomplishment of the ends

in view can be obtained, and I am ready to do all that I can in carrying the scheme to a practical success.

I remain, sir, your obedient servant,

THOS. E. McNEILL,
Civil and Mechanical Engineer.

RICHMOND, VA., *February 21, 1865.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 30th ultimo I herewith transmit for your information a communication from the Secretary of War, relative to the accessions to the Army from each State since April 16, 1862; to the number of persons liable to conscription who have been exempted or detailed, and to the number of those between the ages of eighteen and forty-five, and not unfitted for active service in the field, who are employed in the several States in the manner indicated in your inquiry.

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 20, 1865.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the House of Representatives, adopted on the 30th ultimo, and referred by Your Excellency to this Department for attention:

Resolved, That the President be respectfully requested to communicate to this House—

First. The number of soldiers from each State added to the military service by enrollment, volunteering or otherwise, since the enactment of the act of April 16, 1862, commonly known as the "conscript act."

Second. The number of those within the conscript age exempt or detailed, discriminating as to the classes of each in each State.

Third. The number of those within the ages of eighteen and forty-five years, not disabled or unfit for active service in the field, who are employed in the respective States in executing the law of conscription, or in connection with post commissaries and post quartermasters, or otherwise, in derogation of existing laws.

In response I have the honor to transmit herewith a report from the superintendent of conscription, containing the information called for by the House.

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

[Sub-inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
BUREAU OF CONSCRIPTION,
Richmond, Va., February —, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: I have the honor to invite your attention to the papers herewith inclosed, respectively marked A, B, C, D, E, F, G, H, I, K, and L, in response to a call for information of the 30th ultimo by the House of Representatives of the Confederate States, by the following resolution, which was referred by you to this Bureau, with instructions to furnish the information required.*

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*Resolution (here omitted) embodied in next, *ante*.

The paper marked A shows the number of persons enrolled and assigned to the Army since the passage of the act of Congress approved April 16, 1862.

B gives an approximate estimate of the number who have volunteered since the passage of said act. These persons, for the most part, regarded it as disgraceful to be conscribed, and went directly to the Army, avoiding enrollment and assignment from the camp of instruction. There is, therefore, no record of them at the camps and no means of making an estimate. Though called "volunteers," their joining the service was compulsory, and should be accredited to the energy exhibited in the enforcement of conscription. This estimate is regarded as much too small.

C exhibits the number of persons ascertained by the Medical Board to be incapable of performing service in the field, who have been assigned under the eighth section of the act of Congress approved February 17, 1864, to the various branches of service for which they were recommended by said Board.

D exhibits the number of persons exempted of the several classes of exempts enumerated in the said act of Congress.

E exhibits the number of agricultural details.

F exhibits the number of details allowed for reasons of public necessity.

G exhibits the number of details allowed the several bureaus and departments of service upon the certificates of the chiefs or heads thereof that the persons applied for were indispensable to the public service, exclusive of the details of contractors, artisans, mechanics, &c., for Government service.

H exhibits the details of contractors with the Government to furnish supplies; also allowed upon certificates of heads of departments that the persons applied for were indispensable.

I exhibits the number of details of artisans, mechanics, &c. These are also allowed upon certificates of the chiefs or heads of departments that the persons applied for are experts, skilled and indispensable to the public service, in conformity with General Orders, No. 77, Adjutant and Inspector General's Office, of 1864.

K exhibits the number of deserters returned to the Army by the agencies of conscription. This statement is not called for by the resolution, but it is deemed important for the information of Congress.

L is a recapitulation of the several statements furnished.

The records of the Bureau do not show that any persons between the ages of eighteen and forty-five years, capable of service in the field, are employed in the business of conscription, except officers whose commands have been consolidated, and have, therefore, no appropriate service in the field, and the drill-masters assigned to the business of conscription. Conscripts employed as enrolling officers are taken from the list of those unfit for field service.

This Bureau has no means of showing the number of persons between eighteen and forty-five years of age, capable of field service, who are in the employment of post quartermasters or post commissaries. It is not informed, and it is not usually stated, where the commissaries or quartermasters applying for details are stationed. The details, under existing orders, can only be granted upon the certificate of the Quartermaster and Commissary Generals that the persons applied for are experts and indispensable to the public service, and the place or post of employment is not regarded as an element of the necessity which demands the detail. Hence the Bureau institutes no inquiry upon the point.

In order to render the report as accurate as the imperfect agencies allowed to the enrolling service will admit, it has been delayed till the present time to obtain the latest information from the commandants of the various States, furnished by their monthly consolidated returns.

I am, sir, very respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

A.—*Number of conscripts enrolled and assigned to the Army from camps of instruction since the act of Congress, April 16, 1862.*

State.	Number.	Remarks.
Virginia	13,933	
North Carolina	21,348	
South Carolina	9,120	
Georgia	8,992	
Alabama	14,875	Exclusive of the operations of General Pillow.
Mississippi	8,061	Do.
Florida	362	Suspended and under General Cobb till January, 1863.
East Louisiana	81	From September report, commenced in August, 1864.
East Tennessee	5,220	
Total	81,993	

B.—*Approximate estimate of men who have joined the Army since April, 1862, without passing through camps of instruction.*

State.	Number.	Remarks.
Virginia	15,000	
North Carolina	8,000	
South Carolina	6,800	This is merely an approximate estimate, and the exact number can only be obtained from the Adjutant and Inspector General's Office. This number is regarded as being too small.
Georgia	26,400	
Alabama	10,060	
Mississippi	3,032	
Florida	2,000	
East Louisiana	500	
East Tennessee	500	
Total	*76,206	

C.—*Assignments under section 8 of the act of Congress of February 17, 1864.*

	Virginia.	North Carolina.	South Carolina.	Georgia.	Alabama.	Mississippi.	Florida.	East Tennessee.	East Louisiana.	Total.
Conscription service	696	66	308	137	144	164	42	11	40	1,608
Quartermaster's Department	725	334	168	159	271	208	16	20	....	1,901
Commissary Department	154	38	94	65	100	254	10	18	....	733
Ordnance Department	56	16	18	75	46	12	1	....	....	224
Engineer Department	9	7	9	7	9	....	....	....	....	41
Navy Department	6	1	10	3	6	....	....	....	....	26
Post-Office Department	25	....	4	....	....	1	....	19	....	49
Medical Department	578	52	64	290	67	31	....	1	....	1,083
Treasury Department	74	2	14	....	....	1	6	....	....	97
Niter and Mining Department	8	43	3	....	6	1	....	1	....	62
Provost guard	109	46	103	163	86	126	....	....	....	633
Post guard	44	20	222	8	....	17	7	....	....	318
Camp guard	2	7	73	53	189	....	11	19	....	354
Hospital guard	33	73	....	....	40	50	2	....	....	198
Bridge guard	....	....	....	2	....	....	....	....	....	2
Similar guard	271	11	38	2	82	....	....	....	....	404
Total	2,790	716	1,128	964	1,046	865	95	89	40	7,733

*So in copy; but factors only produce the sum of 72,292.

D.—*Exemptions.*

State.	Age.	Physical disability.	Confederate officers.	State officers.	Ministers of religion.	Superintendents and physicians of deaf, dumb, and blind.	Editors.	Newspaper employés.	Superintendent, State public printer, and employés.	Apothecaries.	Physicians.	Presidents and teachers of schools and colleges.
Virginia	18 and 45	6,242	30	1,894	373	.....	31	183	.....	106	643	242
	17 and 18	117	....	.....	.....	.....	.....	1	.....	.....	.....	.....
	45 and 50	386	....	.....	103	.....	....	2	.....	7	113	22
Total		6,745	30	1,894	476	.....	31	186	.....	113	756	264
North Carolina	18 and 45	(a)	43	.....	334	4	17	87	.....	27	320	164
	17 and 18	.....	....	.....	.....	....	....	3	.....	2	.....	.....
	45 and 50	.....	26	.....	66	1	4	9	.....	2	54	9
Total		7,885	69	5,589	400	5	21	99	.....	31	374	173
South Carolina	18 and 45	1,726	21	140	266	.....	11	59	.....	48	350	168
	17 and 18	107	....	.....	.....	.....	....	7	.....	.....	.....	.....
	45 and 50	700	4	167	66	.....	3	4	.....	5	92	28
Total		2,533	25	307	332	.....	14	70	.....	53	442	196
Georgia	18 and 45	2,463	50	(b)	378	15	12	124	.....	43	487	195
	17 and 18	106	....	.....	.....	.....	....	5	.....	.....	.....	.....
	45 and 50	331	15	.....	71	3	....	7	.....	3	105	17
Total		2,900	65	8,229	449	18	12	136	.....	46	592	212
Alabama	18 and 45	2,665	10	762	537	....	27	119	3	68	593	307
	17 and 18	195	....	2	.....	.....	....	8	.....	1	.....	.....
	45 and 50	1,073	11	571	189	.....	6	28	.....	12	203	45
Total		3,933	21	1,333	726	.....	33	155	3	81	796	352
Mississippi	18 and 45	1,402	2	91	210	1	6	11	.....	36	343	119
	17 and 18	65	....	.....	.....	.....	....	1	.....	.....	.....	.....
	45 and 50	552	3	138	42	1	....	2	.....	3	60	15
Total		2,019	5	229	252	2	6	14	.....	39	403	134
Florida	18 and 45	183	5	99	13	.....	3	6	.....	5	23	3
	17 and 18	6	....	.....	.....	.....	....	2	.....	1	.....	.....
	45 and 50	48	1	21	7	.....	.....	.....	.....	1	4	2
Total		237	6	120	20	.....	3	8	.....	7	27	5
East Tennessee	18 and 45	270	6	38	44	.....	2	4	.....	2	38	13
	17 and 18	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	21	....	2	.....	.....	.....	.....	.....	.....	.....	.....
Total		291	6	40	44	.....	2	4	.....	2	38	13
East Louisiana	18 and 45	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	17 and 18	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		55	24	46	15	15	1	.....	.....	.....	20	1

a The special report of the commandant failed to discriminate the ages of State officers and those found physically disabled.

b The report of commandant failed to discriminate the ages of the number of exempts as State officers.

D.—*Exemptions*—Continued.

State.	Age.	Superintendents, physicians, and nurses in public hospitals.	Overseers and agriculturists.	Railroad officers and employés.	Mail contractors.	Drivers of post coaches and hacks.	Non-combatants.	Foreigners.	By order of War Department.	Miscellaneous.	Total.
Virginia	18 and 45	.....	448	1,108	136	68	99	24	3	926	12,556
	17 and 18	.....	3	.....	.....	.....	.....	.....	.....	.....	121
	45 and 50	.....	102	.....	2	4	8	1	.....	15	762
Total		.....	553	1,108	138	72	107	25	3	941	13,439
North Carolina	18 and 45	.....	219	889	97	43	289	141	46	.....	.....
	17 and 18	.....	.....	28	.....	2	31	.....	.....	.....	.....
	45 and 50	.....	27	50	3	2	22	26	3	.....	.....
Total		.....	246	967	100	47	342	167	49	.....	16,564
South Carolina	18 and 45	731	812	41	9	1	.....	.....	.....	.....	4,383
	17 and 18	5	17	1	.....	.....	.....	.....	.....	.....	138
	45 and 50	127	117	5	1	.....	.....	.....	.....	.....	1,318
Total		863	946	47	10	1	.....	.....	.....	.....	5,839
Georgia	18 and 45	.....	1,214	853	106	20	.....	12	.....	.....	.....
	17 and 18	.....	10	18	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	346	131	.....	2	.....	.....	.....	.....	.....
Total		.....	1,570	1,002	106	22	.....	12	.....	.....	15,346
Alabama	18 and 45	.....	874	770	41	14	.....	126	8	.....	6,922
	17 and 18	.....	6	73	.....	1	.....	1	2	.....	289
	45 and 50	.....	567	247	7	5	.....	40	3	.....	3,007
Total		.....	1,447	1,090	48	20	.....	167	13	.....	10,218
Mississippi	18 and 45	.....	465	258	15	.....	.....	1	1	1	2,962
	17 and 18	.....	4	22	.....	.....	.....	.....	.....	.....	92
	45 and 50	.....	192	36	10	.....	.....	.....	.....	.....	1,054
Total		.....	661	316	25	.....	.....	1	1	1	4,108
Florida	18 and 45	.....	124	135	8	1	.....	1	.....	.....	609
	17 and 18	.....	.....	1	.....	.....	.....	.....	.....	.....	10
	45 and 50	.....	29	16	.....	.....	.....	.....	.....	.....	129
Total		.....	153	152	8	1	.....	1	.....	.....	748
East Tennessee	18 and 45	.....	.....	62	2	.....	66	.....	.....	.....	547
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	3	.....	.....	.....	.....	.....	.....	26
Total		.....	.....	65	2	.....	66	.....	.....	.....	573
East Louisiana	18 and 45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		.....	41	.....	.....	.....	.....	3	10	.....	219

Grand total, 66,586.*

*So in copy; but factors produce the sum of 67,054.

E.—*Agricultural details.*

State.	Age.	Over 15 hands.	Between 10 and 15.	Between 5 and 10.	Less than 5.	Miscellaneous.	Total.
Virginia	18 and 45	3	10	53	81	.....	147
	17 and 18	.....	1	.....	9	.....	10
	45 and 50	3	29	215	201	.....	448
Total		6	40	268	291	.....	605
North Carolina	18 and 45	.....	7	40	102	.....	149
	17 and 18	.....	.....	.....	3	.....	3
	45 and 50	.....	1	8	68	.....	77
Total		.....	8	48	173	.....	229
South Carolina	18 and 45	12	14	16	8	5	55
	17 and 18	.....	1	1	5	.....	7
	45 and 50	17	22	99	68	28	234
Total		29	37	116	81	33	296
Georgia	18 and 45	312	157	218	93	56	836
	17 and 18	7	3	1	10	10	31
	45 and 50	99	105	224	155	59	642
Total		418	265	443	258	125	1,509
Alabama	18 and 45	3	6	14	14	.....	37
	17 and 18	.....	.....	.....	.....	.....	.....
	45 and 50	1	.....	.....	.....	.....	1
Total		4	6	14	14	.....	38
Mississippi	18 and 45	.....	3	3	9	.....	15
	17 and 18	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	5	.....	5
Total		.....	3	3	14	.....	20
Florida	18 and 45	.....	.....	2	.....	.....	2
	17 and 18	.....	.....	.....	.....	.....	.....
	45 and 50	5	2	7	2	.....	16
Total		5	2	9	2	.....	18
East Tennessee	18 and 45	.....	1	1	.....	.....	2

Grand total, 2,717.

NOTE.—Since General Orders, No. 77, Adjutant and Inspector General's Office, only men found for "light duty" have been detailed as agriculturists.

F.—*Details on account of public necessity.*

State.	Age.	Railroad companies.	Telegraph companies.	Navigation companies.	Cotton and wool factories.	Paper mills.	Iron manufactories.	Foundries.	Printing establishments.	Fire department.	Police department.	Gas works.	Salt manufactories.
Virginia	18 and 45	68	93	45	.....	.....	4	2	5	.....	22	3	30
	17 and 18	.....	.....	.....	2	.....	8	2	.....	.....	.....	.....	3
	45 and 50	11	.....	12	30	.....	5	37	4	16	5	.....	8
Total		79	93	57	32	.....	17	41	9	16	27	3	41
North Carolina	18 and 45	88	14	1	3	.....	.....	.....	.....	.....	.....	.....	.....
	17 and 18	11	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	26	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	5
Total		125	14	1	3	.....	.....	.....	.....	.....	.....	.....	5

F.—*Details on account of public necessity*—Continued.

State.	Age.	Railroad companies.	Telegraph companies.	Navigation companies.	Cotton and wool factories.	Paper mills.	Iron manufactories.	Foundries.	Printing establishments.	Fire department.	Police department.	Gas works.	Salt manufactories.
South Carolina	18 and 45	120	1	3	144	1	11	.....	1	.....	15	.....	1
	17 and 18	21	.....	.....	34	.....	.....	.....	.....	.....	5	.....	.....
	45 and 50	31	12	.....	26	.....	1	.....	1	.....	17	.....	11
Total		172	13	3	204	1	12	.....	2	.....	37	.....	12
Georgia	18 and 45	319	3	14	277	15	18	22	10	.....	42	.....	27
	17 and 18	28	.....	.....	18	.....	.....	2	.....	.....	.....	.....	.....
	45 and 50	56	1	.....	28	3	1	5	3	.....	15	.....	2
Total		463	4	14	323	18	19	29	13	.....	57	.....	29
Alabama	18 and 45	3	.....	12	.....	.....	.....	.....	1	1	.....	1	4
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		3	.....	13	.....	.....	.....	.....	1	1	.....	1	4
Mississippi	18 and 45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Florida	18 and 45	6	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	14
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Total		7	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	15
East Tennessee	18 and 45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
East Louisiana[a]		.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

State.	Age.	Shoemakers.	Tanners.	Blacksmiths.	Millers and mill engineers.	Millwrights.	Ferrymen.	Wheelwrights.	Wagon makers.	Indigent circumstances.	Express Company.	Equity, justice, and necessity.	Miscellaneous.	Total.
Virginia	18 and 45	1	5	3	4	1	.....	.....	.....	3	27	2	47	365
	17 and 18	2	7	1	19	1	.....	.....	.....	90	.....	2	4	141
	45 and 50	126	59	97	123	24	3	61	21	634	.....	51	138	1,465
Total		129	71	101	146	26	3	61	21	727	27	55	189	1,971
North Carolina	18 and 45	32	10	18	22	2	.....	.....	5	17	1	.....	22	235
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	66	.....	78
	45 and 50	11	4	18	23	1	.....	.....	3	6	.....	8	19	124
Total		43	14	36	45	3	.....	.....	8	24	1	74	41	437
South Carolina	18 and 45	27	7	19	24	2	.....	3	6	19	11	17	19	451
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	6	.....	22	2	90
	45 and 50	22	8	30	50	5	.....	7	6	78	2	177	31	515
Total		49	15	49	74	7	.....	10	12	103	13	216	52	1,056
Georgia	18 and 45	74	47	94	108	12	2	20	11	89	46	45	67	1,426
	17 and 18	2	.....	.....	1	.....	.....	.....	.....	2	.....	5	1	62
	45 and 50	44	17	50	38	8	4	17	12	164	7	149	39	660
Total		120	64	144	147	20	6	37	23	255	53	203	107	2,148

F.—*Details on account of public necessity*—Continued.

State.	Age.	Shoemakers.	Tanners.	Blacksmiths.	Millers and mill engineers.	Millwrights.	Ferrymen.	Wheelwrights.	Wagon makers.	Indigent circumstances.	Express Company.	Equity, justice, and necessity.	Miscellaneous.	Total.
Alabama	18 and 45	5	5	6	14	4	....	2	2	4	....	.....	14	78
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	....	1	2	.....	.....	.....	1	.....	.....	.....	3	8
Total	.....	5	5	7	16	4	....	2	3	4	....	.....	17	86
Mississippi	18 and 45	10	6	8	7	....	....	3	....	.....	....	2	2	38
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	2	....	1	3	....	....	1	....	.....	.....	.....	2	9
Total	.....	12	6	9	10	....	....	4	....	.....	....	2	4	47
Florida	18 and 45	2	....	4	1	....	....	....	....	1	....	.....	.....	28
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	2	....	7	4	....	....	....	....	8	....	.....	.....	23
Total	.....	4	....	11	5	.....	.....	.....	.....	9	....	.....	.....	51
East Tennessee	18 and 45	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	7
East Louisiana[a]	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Grand total, 5,803.

NOTE.—Nearly all of these men between 18 and 45 have been found unfit for duty in the field.

[a] No report received from Louisiana since September, 1864.

G.—*Details for Government service, bureaus, and departments (not including contractors or artisans, mechanics, &c.).*

State.	Class.	Conscription Department.	Quartermaster's Department.	Commissary Department.	Ordnance Department.	Engineer Department.	Navy Department.	Post Office Department.	Medical Department.	Treasury Department.	Niter and Mining Bureau.	Miscellaneous.	Total.
Virginia	18 and 45	3	125	55	141	43	6	35	18	86	1,128	....	1,640
	17 and 18	14	5	1	12	....	.....	1	.....	.....	8	....	41
	45 and 50	197	255	88	53	....	6	4	14	80	58	...	760
Total	.....	214	385	144	206	43	12	40	32	166	1,194	....	2,421
South Carolina	18 and 45	148	44	36	7	15	33	3	5	36	.....	....	327
	17 and 18	.....	.....	1	.....	.....	.....	.....	.....	4	.....	....	5
	45 and 50	160	24	22	1	....	7	2	....	9	.....	1	226
Total	.....	308	68	59	8	15	40	5	5	49	.....	1	558
Georgia	18 and 45	193	194	161	61	21	44	13	43	27	19	11	795
	17 and 18	.....	2	2	6	1	1	....	2	.....	2	....	16
	45 and 50	49	68	39	15	9	6	4	7	5	2	1	205
Total	.....	242	264	202	82	31	51	17	52	32	23	12	1,016

G.—*Details for Government service, bureaus, and departments (not including contractors or artisans, mechanics, &c.)*—Continued.

State.	Class.	Conscription Department	Quartermaster's Department.	Commissary Department.	Ordnance Department.	Engineer Department.	Navy Department.	Post-Office Department.	Medical Department.	Treasury Department.	Niter and Mining Bureau.	Miscellaneous.	Total.
Alabama	18 and 45	.....	4	.....	2	.....	.....	.....	15	10	175	.....	206
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	3	.....	3
	45 and 50	.....	1	.....	.....	.....	.....	.....	2	.....	6	.....	9
Total		.....	5	.....	2	.....	.....	.....	17	10	184	.....	218
Mississippi	18 and 45	.....	1	1	.....	.....	.....	.....	.....	.....	.....	.....	2
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Total		.....	1	1	.....	.....	.....	.....	1	.....	.....	.....	3
Florida	18 and 45	5	7	208	.....	.....	.....	.....	.....	.....	.....	.....	220
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	48	3	4	.....	.....	.....	.....	.....	.....	.....	.....	55
Total		53	10	212	.....	.....	.....	.....	.....	.....	.....	.....	275
East Tennessee	18 and 45	.....	15	.....	.....	.....	.....	.....	.....	1	86	.....	102
	17 and 18	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
	45 and 50	18	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	19
Total		18	16	1	.....	.....	.....	.....	.....	1	86	.....	121

Grand total, 4,612.

NOTE.—Those in the conscription service have been found fit only for light duty. Details granted on certificates of heads of departments that the persons are indispensable, in conformity to General Orders, Nos. 77 and 82, Adjutant and Inspector General's Office, 1864.

H.—*Details of contractors to furnish supplies.*

State.	Class.	Quartermaster's Department.	Commissary Department.	Ordnance Department.	Engineer Department.	Navy Department.	Post-Office Department.	Medical Department.	Treasury Department.	Niter and Mining Bureau.	State quartermaster's department.	Total.
Virginia	18 and 45	41	8	81	.....	19	.....	4	1	67	.....	221
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	9	.....	.....	.....	.....	.....	2	.....	20	.....	31
Total		50	8	81	.....	19	.....	6	1	87	.....	252
North Carolina	18 and 45	9	2	4	.....	.....	4	.....	.....	33	27	79
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	2	.....	.....	12	.....	14
Total		9	2	4	.....	.....	6	.....	.....	45	27	93
South Carolina	18 and 45	20	4	10	.....	.....	.....	.....	1	28	.....	63
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	2	.....	2	.....	.....	.....	1	.....	5	.....	10
Total		22	4	12	.....	.....	.....	1	1	33	.....	73
Georgia	18 and 45	59	22	90	26	3	6	7	.....	2	.....	215
	17 and 18	.....	.....	3	.....	1	.....	.....	.....	.....	.....	4
	45 and 50	6	4	7	3	.....	.....	1	.....	.....	.....	21
Total		65	26	100	29	4	6	8	.....	2	.....	240

H.—*Details of contractors to furnish supplies*—Continued.

State.	Class.	Quartermaster's Department.	Commissary Department.	Ordnance Department.	Engineer Department.	Navy Department.	Post-Office Department.	Medical Department.	Treasury Department.	Niter and Mining Bureau.	State quartermaster's department.	Total.
Alabama	18 and 45	16	1	5	.....	.....	.....	2	.....	17	.....	41
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	1	.....	.....	.....	.....	.....	1	.....	1	.....	3
Total		17	1	5	.....	.....	.....	3	.....	18	.....	44
East Tennessee	18 and 45	.....	.....	.....	.....	.....	.....	.....	.....	14	.....	14
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1
Total		.....	.....	.....	.....	.....	.....	.....	.....	15	.....	15

Grand total, 717.

NOTE.—Detailed on certificates of heads of departments that these persons are skilled and indispensable, in conformity with General Orders, Nos. 77 and 82, Adjutant and Inspector General's Office, 1864.

I.—*Government details of artisans, mechanics, &c.*

State.	Class.	Quartermaster's Department.	Contractors with Quartermaster's Department.	Commissary Department.	Contractors with Commissary Department.	Ordnance Department.	Contractors with Ordnance Department.	Engineer Department.	Navy Department.	Contractors with Navy Department.	Post-Office Department.
Virginia	18 and 45	461	39	5	35	874	726	82	398	9	.....
	17 and 18	9	.....	.....	.....	5	.....	.....	.....	.....	.....
	45 and 50	35	1	10	2	29	1	12	46	.....	.....
Total		505	40	15	37	908	727	94	444	9	.....
North Carolina	18 and 45	154	.....	26	.....	454	134	14	100	3	13
	17 and 18	3	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	39	.....	2	.....	3	.....	.....	8	.....	.....
Total		196	.....	28	.....	457	134	14	108	3	13
South Carolina	18 and 45	4	59	1	1	15	74	2	1	.....	.....
	17 and 18	.....	4	.....	.....	1	3	.....	.....	.....	.....
	45 and 50	8	12	.....	.....	11	3	.....	.....	.....	.....
Total		12	75	1	1	27	80	2	1	.....	.....
Georgia	18 and 45	101	85	17	7	49	27	.....	2	29	6
	17 and 18	5	3	.....	.....	2	.....	.....	.....	1	.....
	45 and 50	23	8	2	.....	2	.....	.....	.....	1	.....
Total		129	96	19	7	53	27	.....	2	31	6
Alabama	18 and 45	3	45	.....	.....	61	1	21	6	.....	.....
	17 and 18	.....	3	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	15	.....	.....	.....	1	2	.....	.....	.....
Total		3	63	.....	.....	61	2	23	6	.....	.....
East Tennessee	18 and 45	1	5	.....	1	.....	.....	.....	.....	.....	.....
	17 and 18	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
	45 and 50	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total		1	5	.....	1	.....	.....	.....	.....	.....	.....

I.—*Government details of artisans, mechanics, &c.*—Continued.

State.	Class.	Contractors with Post-Office Department.	Medical Department.	Contractors with Medical Department.	Treasury Department.	Contractors with Treasury Department.	Niter and Mining Bureau.	Contractors with Niter and Mining Bureau.	State quartermaster's department.	Total.
Virginia	18 and 45	.....	1	.....	.....	.....	26	625	.....	3,281
	17 and 18	.....	.....	.....	.....	.....	.....	14	.....	28
	45 and 50	.....	1	.....	.....	.....	9	29	.....	175
Total		.....	2	.....	.....	.....	35	668	.....	3,484
North Carolina	18 and 45	.....	20	.....	2	.....	399	271	191	1,781
	17 and 18	.....	.....	.....	.....	.....	4	6	1	14
	45 and 50	.....	.....	.....	.....	.....	12	26	.....	90
Total		.....	20	.....	2	.....	415	303	192	1,885
South Carolina	18 and 45	.....	.....	16	.....	37	7	.....	.....	217
	17 and 18	.....	.....	.....	.....	1	1	.....	.....	10
	45 and 50	.....	.....	2	.....	4	4	.....	.....	44
Total		.....	.....	18	.....	42	12	.....	.....	271
Georgia	18 and 45	1	3	8	.....	.....	.....	184	.....	519
	17 and 18	.....	.....	.....	.....	.....	.....	2	.....	13
	45 and 50	.....	.....	1	.....	.....	.....	12	.....	49
Total		1	3	9	.....	.....	.....	198	.....	581
Alabama	18 and 45	.....	.....	.....	.....	.....	333	48	.....	518
	17 and 18	.....	.....	.....	.....	.....	9	4	.....	16
	45 and 50	.....	.....	.....	.....	.....	14	4	.....	36
Total		.....	.....	.....	.....	.....	356	56	.....	570
East Tennessee	18 and 45	.....	.....	.....	.....	.....	.....	155	.....	162
	17 and 18	.....	.....	.....	.....	.....	.....	1	.....	1
	45 and 50	.....	.....	.....	.....	.....	.....	6	.....	6
Total		.....	.....	.....	.....	.....	.....	162	.....	169

Grand total, 6,960.

NOTE.—Detailed on certificates of heads of departments that "these persons are skilled, experts, and indispensable" in conformity with General Orders, Nos. 77 and 82, Adjutant and Inspector General's Office, 1864.

K.—Deserters returned to the Army.

State.	Number.	Remarks.
Virginia	8,596	
North Carolina	8,832	
South Carolina	2,514	Since September, 1862.
Georgia	5,173	
Alabama	5,055	Since February, 1864.
Mississippi	2,031	Do.
Florida	220	
East Louisiana	75	Since August, 1864.
East Tennessee	560	Since November, 1863.
Total	*21,056	

L.—Recapitulation.

Number of conscripts assigned to the Army from camps of instruction	81,993
Deserters returned to the Army	*21,056
Assignments under section 8 of the act of 17th of February, 1864	7,733

* So in copy; but the factors (if correctly stated) make the sum of 33,056.

Approximate estimate of men who have joined the Army without passing through camps of instruction	*76,206
Total number of exempts	*66,586
Agricultural details	2,717
Details on account of public necessity	5,803
Government details, bureaus and departments (not including artisans and mechanics)	4,612
Detail of contractors to furnish supplies	717
Detail of artisans and mechanics	6,960

RICHMOND, VA., *February 21, 1865.*

Hon. JOHN FORSYTH,
Mobile, Ala.:

MY DEAR SIR: You will readily understand why during the session of Congress my private correspondence should be in arrears. I have now, though it may seem late, to thank you for your letter of 31st of December. The article inclosed from the Register and Advertiser is a substantial expression of my own views on the subject of employing for the defense of our country all able-bodied men we have, without distinction of color. It is now becoming daily more evident to all reflecting persons that we are reduced to choosing whether the negroes shall fight for or against us, and that all arguments as to the positive advantages or disadvantages of employing them are beside the question, which is simply one of relative advantage between having their fighting element in our ranks or in those of our enemy.

On the other topic suggested by you, making use of this subject as an aid for negotiations, you will appreciate the obligation of reticence imposed on me in these matters, and I can only say that I perceive no discordance in the views you express from what wise policy would dictate. So far, therefore, from obstructing any effort that the Government may be, or may have been, making in the hope of securing our independence, the influence of your journal in the line which you propose to take would be a valuable assistance.

With many thanks for your offer for cordial support in my labors for the success of our common country, I am,

Very truly and respectfully, yours,

JEFFERSON DAVIS.

RICHMOND, VA., *February 21, 1865.*

His Excellency JOHN MILTON,
Governor of the State of Florida, Tallahassee, Fla.:

SIR: I have the honor to acknowledge the receipt of your favor bearing date December 9, 1864, inclosing to me "Joint resolutions of confidence and thanks to President Jefferson Davis." For this marked manifestation of unabated confidence on the part of the Legislature of Florida I feel deeply sensible. It is truly gratifying in these times of peril and great public excitement for the Executive to be sustained by such evidences of continued approval. For myself please receive assurances of my high regard and a just appreciation of your valuable services, and believe me,

Truly, your friend and fellow-citizen,

JEFFERSON DAVIS.

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*See foot-notes (*), pp. 1101, 1103.

CONFEDERATE STATES OF AMERICA, SURG. GEN.'S OFFICE,
Richmond, Va., February 21, 1865

Hon. J. C. BRECKINRIDGE,
Secretary of War, Richmond, Va.:

SIR: In compliance with instructions from the War Office of the 17th instant, and in response to the resolution of the Senate of the 14th instant, I have the honor herewith to inclose estimate in quadruplicate for funds required by the Medical Department for the period of twelve months.

Very respectfully, your obedient servant,

S. P. MOORE,
Surgeon-General C. S. Army.

[Inclosure.]

Estimate of funds required for the Medical Department, C. S. Army, for the period of twelve months.

For the purchase of medical and hospital supplies:	
Medicines	$16,000,000
Instruments	400,000
Books for hospital regimental records	200,000
Hospital stores	4,000,000
Bedding	4,000,000
Furniture, dressing, &c	4,000,000
	28,600,000
For purchase of hospital clothing required by act of Congress approved September 27, 1862, entitled "An act to better provide for the sick and wounded of the Army in hospitals"	1,000,000
For purchase of 624,000 gallons of alcoholic stimulants required for Medical Department for medical and hospital purposes for an army of men	8,000,000
For establishment and support of military hospitals	200,000
For pay of private physicians employed by contract	500,000
For pay of nurses and cooks not enlisted or volunteer	700,000
For pay of hospital stewards	200,000
For pay of matrons, assistant matrons, and ward matrons	700,000
For pay of ward-masters	400,000
For pay of hospital laundresses	300,000
Total	40,600,000

S. P. MOORE,
Surgeon-General C. S. Army.

CONFEDERATE STATES OF AMERICA, SURGEON-GENERAL'S OFFICE,
Richmond, Va.

RICHMOND, VA., *February 22, 1865.*

THE HOUSE OF REPRESENTATIVES:

In response to your resolution of the 25th ultimo I herewith transmit for your information a communication from the Secretary of War, relative to the number of able-bodied men between the ages of eighteen and forty-five, "claimed to be exempt from conscription by the Governor, laws, and resolutions of the State of Georgia."

JEFFERSON DAVIS.

[Inclosure.]

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
Richmond, Va., February 22, 1865.

The PRESIDENT OF THE CONFEDERATE STATES:

SIR: I have received the following resolution of the House of Representatives adopted on the 25th ultimo, and referred by Your Excellency to this Department for attention:

Resolved, That the President be respectfully requested to furnish this House with the number of able-bodied males between the ages of eighteen and forty-five years, claimed to be exempt from conscription by the Governor, laws, and resolutions of the State of Georgia.

In response I have the honor to transmit herewith a report from the Superintendent of Conscription containing the information called for by the House.

Very respectfully, your obedient servant,
JOHN C. BRECKINRIDGE,
Secretary of War.

[Sub-inclosures.]

CONFEDERATE STATES OF AMERICA,
BUREAU OF CONSCRIPTION,
Richmond, Va., February 16, 1865.

Hon. JOHN C. BRECKINRIDGE,
Secretary of War:

SIR: The following resolution of the House of Representatives of the 25th ultimo has been referred to this Bureau:

Resolved, That the President be respectfully requested to furnish this House with the number of able-bodied males between the ages of eighteen and forty-five years, claimed to be exempt from conscription by the Governor, laws, and resolutions of the State of Georgia.

In pursuance of instructions thereon indorsed, I have the honor to submit the inclosed paper, marked A.

The return is made from the reports of the commandant of conscripts for Georgia, the only source whence this Bureau can obtain the information.

I have the honor to be, very respectfully, your obedient servant,
JNO. S. PRESTON,
Brigadier-General and Superintendent.

A.—*Number of State officers exempted in the State of Georgia.*

Governor and Statehouse officers	20
Judges of supreme court	3
Clerk of supreme court	2
Judges of inferior supreme court	16
Senators	44
Representatives	169
Justices of the peace	1,350
Justices of inferior courts	660
Solicitors	16
Clerks of superior court	132
Deputy clerks superior court	132
Deputy clerks inferior court	264
Ordinaries	132
Deputy ordinaries	132
Sheriffs	132
Deputy sheriffs	132
Constables	132
Tax collectors	1,350
Tax receivers	132
Jailers	132
County treasurers	132
Coroners	132
County surveyors	132
Militia officers	2,751
Total	8,229

THOMAS PINCKNEY,
Acting Assistant Adjutant-General.

GENERAL ORDERS, No. 8. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, February 23, 1865.*

I. Generals of reserves will immediately place upon active duty every man belonging to that class who is not specially detailed, or has not been turned over to generals commanding armies, departments, or districts. They will organize them into convenient bodies, and will employ them vigorously in arresting and returning to the Army all deserters and absentees.

II. This service will, for the present, constitute the primary duty of officers of the reserve forces, and they will enter actively upon it.

III. Generals of reserves will visit and inspect the localities in which this force is most needed, and can be most beneficially employed, and will give their personal attention to the organization and operations of their troops in carrying out these orders. They will report twice a month to the Adjutant and Inspector General the number of men arrested and sent by them to the Army.

IV. Generals commanding armies will return to the generals of reserves for this duty all the reserve forces in active service that are not indispensably necessary in the field.

V. It is not intended that these orders shall affect the reserves employed in guarding railroad bridges.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *February 24, 1865.*

Brig. Gen. I. M. ST. JOHN:

GENERAL: As a means of increasing the supply of breadstuffs for the use of the Government, I beg leave to offer for your consideration the following observations derived in the course of my official duties, and some suggestions that have presented themselves therewith:

First. That any call upon the people for voluntary contributions produces, in fact, nothing. The truly patriotic have already delivered, or are doing so as rapidly as possible, all their surplus. Those who are so only in appearance by a small loan or proffered sale, which is magnified to its greatest extent, aim to cover and protect a much larger quantity, while those who are not disposed to aid the Government are induced by this very call to exert themselves to their utmost to conceal and convey off secretly what might otherwise be obtained.

Second. That the patriotism of the people is not exhausted, and that they will cheerfully submit to anything that they can be assured is necessary and uniform. To this latter condition even more importance is attached than to the other. I feel assured that the testimony of every officer engaged in the collection of supplies will be found to sustain me in this opinion, and that it will meet the assent of every producer and farmer. The neglect of this rule has been a greater cause of dissatisfaction and complaint than all the other acts of the Government combined.

Third. That throughout Virginia the rations of meal for the negroes is now, by general allowance, one and a half pecks of meal per week—say, eighteen pounds—or two and four-seventh pounds per day, nearly three times what is given to the Army; that in addition to this they have their vegetables, milk, chickens, eggs, &c.

Now, as to the deduction from these facts, I would respectfully suggest that either by the voluntary act of the farmers, in county meeting assembled, or by law, as has been done to some extent in the article of meat, the negro ration of breadstuff be reduced to the same amount as that furnished by the Army, and that each farmer urge and encourage the production of roots and vegetables (the usual diet of the laboring class in other countries) to the greatest possible extent, for the supply and use, not only of his own hands, but for non-producers. By these means the surplus of breadstuffs would be vastly increased without any detriment to the profit or comfort of the farmer or his hands.

The late Congress authorized the "impressment of one-half the usual quantity of meat reserved by each producer for his own use." This law, as far as I have been able to learn, was executed with but little if any dissatisfaction or difficulty, because believed to be necessary and uniform.

The suggestions made above are but another step toward putting the whole country upon rations, or a regulated allowance. Could this end be accomplished, I feel assured that your main difficulties would be removed.

Very respectfully, yours,

P. A. WELLFORD,
Captain and Assistant Commissary of Subsistence.

[FEBRUARY 24 and MARCH 2, 1865.—For correspondence between Lee and Vance, in relation to the disaffection of North Carolina troops, and Vance's action and recommendations with a view to inspire confidence and public spirit, see Series I, Vol. XLVII, Part II, pp. 1270, 1312.]

WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., February 27, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: On recurring to the files of this Bureau I find that General Gilmer on the 11th instant estimated the amount needed for construction and repair of railroads for military purposes during the current year at $21,000,000, triplicate copies of which I have the honor to inclose.*

Very respectfully, your obedient servant,

A. L. RIVES,
Colonel and Assistant to Chief Engineer.

AN ACT to provide for the employment of free negroes and slaves to work upon fortifications and perform other labor connected with the defenses of the country.

Whereas, the efficiency of the Army is at times greatly diminished by the withdrawal from the ranks of soldiers to perform labor and duties which can as well be done by free negroes and slaves:

The Congress of the Confederate States of America do enact, That all free male negroes between the ages of eighteen and fifty years shall be held liable to perform any labor or discharge any duties

* Omitted.

with the Army, or in connection with the military defenses of the country, such as working upon fortifications, producing and preparing materials of war, building and repairing roads and bridges, and doing other work usually done by engineer troops and pontoniers, acting as cooks, teamsters, stewards and waiters in military hospitals, or other like labor, or similar duties which may be required or prescribed by the Secretary of War, or the general commanding the Trans-Mississippi Department, from time to time, and said free negroes, whilst thus engaged, shall receive rations and clothing, under such regulations as the Secretary of War may prescribe, and shall receive pay at the rate of eighteen dollars per month.

SEC. 2. That the Secretary of War and the general commanding the Trans-Mississippi Department are each authorized to employ, for duties like those named in the first section of this act, as many male negro slaves, between the ages of eighteen and forty years, as the wants of the service may require, and the said slaves, whilst so employed, shall be furnished rations and clothing, as provided in the preceding section, and the owners paid such hire for their services as may be agreed upon, and in the event of the loss of any slaves whilst so employed, by the act of the enemy, or by escape to the enemy, or by wounds or death inflicted by the enemy, or by disease contracted whilst in any service required of said slaves, and by reason of said service, then the owners thereof, respectively, shall be entitled to receive the full value of such slaves, to be ascertained and fixed by agreement at the time said slaves are so hired, under rules to be prescribed by the Secretary of War.

SEC. 3. That whenever the Secretary of War, or the general commanding the Trans-Mississippi Department, shall be unable to procure the services of slaves by hiring them, as above provided, in sufficient numbers, then it shall be lawful for the said Secretary or general to order the impressment and to impress as many male slaves, within the ages named in the second section of this act, and for the purposes and uses above stated, as the wants of the service may require: *Provided*, That said impressment shall be made according to the rules and regulations provided in the laws of the States wherein they are impressed, and in the absence of such law, in accordance with such rules and regulations not inconsistent with the provisions of this act as the Secretary of War shall from time to time prescribe: *Provided further*, That slaves so impressed shall, whilst in the Government employment, receive the same clothing and rations allowed to slaves hired from their owners, and in the event of their loss or death, in the manner or from the causes above stated, their value shall be estimated and fixed as provided by the first section of "An act regulating impressments," approved March twenty-sixth, eighteen hundred and sixty-three, and paid as in the case of slaves hired from their owners, and the value of the hire of said slaves shall be fixed in like manner.

SEC. 4. That the Secretary of War and the general commanding the Trans-Mississippi Department shall, in ordering the impressment of slaves, regulate the same, as far as practicable, so that slaves shall be taken from each State in proportion to the whole number hired and impressed under this act, whether owned by citizens of such State or not; but not more than one in every five male slaves within the said ages of eighteen and forty years shall be taken from any one owner, if said slaves are employed by said owner or his lessee uniformly in agriculture or in mechanical pursuits, nor where an owner

has but one male slave within said ages shall said slave be impressed, and all impressments under this act shall, as far as practicable, be taken in equal ratio from all owners in the same locality, city, county, or district: *Provided*, That in each case care being taken to allow each owner a credit for all male slaves between the ages aforesaid heretofore impressed, or impressed under this act, or hired to the Government, who are still in service, or who may have died or been lost while in service: *Provided further*, That if the Governor of any State shall certify to the Secretary of War or the commanding general of the Trans-Mississippi Department that slaves cannot be impressed in any locality, county, district, parish, or city in such State without great detriment to such locality, county, district, parish, or city, then the quota of said locality, county, district, parish, or city, shall be impressed from other portions of such State: *Provided, however*, That nothing herein contained shall be so construed as to exempt any State from furnishing its fair quota of slaves for the purposes herein specified and according to the provisions of this act.

SEC. 5. If any slave is now held for services who is not liable thereto under the provisions of this act such slave shall be forthwith returned to the owner on demand and proof of the fact.

SEC. 6. That duplicate rolls shall be prepared of all the slaves hired or impressed under this act, which shall contain a description of the slaves, the names and residences of the owners, and a statement of the value and rate of hire of the slaves at the date they are hired or impressed, one of which rolls shall, in the States east of the Mississippi River, be forwarded to the Secretary of War, and in those west of the Mississippi River to the headquarters of the general commanding that department, and the other roll shall be sent to the general commanding the army where said slaves may be employed, and the officer having charge of said slaves, or of the work upon which they may be engaged, shall have a copy of said roll, and shall regularly enter thereon the nature of the labor or duties in which said slaves are engaged, and any changes which may be made therein, and of the absence, sickness, or death of any of said slaves, and make monthly returns thereof to the general commanding the army where said slaves are employed, who shall transmit the same to the Secretary of War, or to the commanding general in the Trans-Mississippi Department, as the case may be.

SEC. 7. That all laws, or parts of laws providing for the hiring or impressment of slaves be, and the same are hereby, repealed, except so far as they may provide for regulating and fixing, in case of impressment, the value of said slaves, or the value of their services.

SEC. 8. That no slave shall be hereafter impressed except in pursuance of the provisions of this act, and any officer who may violate the provisions thereof shall be court-martialed and on conviction cashiered.

TH. S. BOCOCK,
Speaker of the House of Representatives.

R. M. T. HUNTER,
President pro tempore of the Senate.

Approved 28th February, 1865.

JEFFERSON DAVIS.

S. 129.—Enrolled:

An act to provide for the employment of free negroes and slaves to work upon fortifications and perform other labor connected with the defenses of the country.

Passed the Senate February 18, 1865.

JAMES H. NASH,
Secretary.

Passed the House of Representatives February 18, 1865.

A. R. LAMAR,
Clerk.

I do hereby certify that this act did originate in the Senate.

JAMES H. NASH,
Secretary.

Presented to President February 28, 1865.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, February 28, 1865.

Mr. JOHN WHITE,
Commissioner of North Carolina:
(Care of A. Collie & Co., 17 Leadenhall Street, London.)

DEAR SIR: You will before this reaches you have learned of the capture of Wilmington and the consequent stoppage of our blockade-running business. The course proper for you to pursue under the changed aspect of affairs has, I presume, suggested itself to you. Nothing remains but to close up our affairs as completely as possible and wait for a change. Our accounts in England, I suppose, can easily be reduced to shape, and what funds we have should be placed in safety to aid in the final adjustment of our indebtedness. Our goods on hand, whether in Europe or the islands, I leave you to dispose of in any way deemed best, consulting Mr. Flanner and Mr. Collie. You may also relieve Mr. Flanner of his agency from this date, and will please reduce your own expenditures on State account as far as practicable. Not being able to export any more cotton, of course it becomes us to exercise the most rigid economy. There is upward of a thousand pounds sterling due us from the Confederate Government for freight brought in the Advance by Mr. Flanner, which I presume he forgot to collect whilst in this country. Please see him and try to get it. Major Walker, the Confederate agent at Bermuda, gave receipts for it. Mr. William Collie, who kindly bears this, will give you the military news. It is bad enough, God knows. Your family are well. I have received nothing from you since Halifax.

Yours, truly,

Z. B. VANCE.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, ENGINEER BUREAU,
Richmond, Va., March 1, 1865.

Honorable SECRETARY OF WAR:

SIR: The communication of Commander M. F. Maury, C. S. Navy, in explanation and recommendation of the newly introduced electro-magnetic torpedo exploders, which was referred hither from your office

with indorsement recommending "that measures be taken to import some of these exploders with a supply of insulated wire," &c., has been carefully considered.

The value of the new exploders in connection with the mining and torpedo service is acknowledged, but the difficulties of the blockade as well as of securing the necessary credit abroad will, it is feared, render impracticable the importation which was recommended.

The paper will be filed and the subject kept constantly before the attention of the Bureau, in the hope that circumstances may hereafter enable the Department to act successfully in the matter. It is proposed to use such material as is available for the purpose in the Confederacy, and as far as practicable in the manner suggested by Commander Maury.

With great respect, your obedient servant,

A. L. RIVES,
Colonel and Assistant to Chief Engineer.

(For and in the absence of Maj. Gen. J. F. Gilmer, Chief of Bureau.)

RICHMOND, VA., *March 1, 1865.*

General HOWELL COBB, or
Col. WILLIAM M. BROWNE,
Augusta, Ga.:

Decipher and forward to Reverend Doctor Myers and Bishop Pierce, with my special regards:

Bishop GEORGE F. PIERCE, D. D.:
(Care of Reverend Doctor Myers, Augusta, Ga.)

Ministers of all denominations in Virginia have offered their services to the Government to address the people, encourage hearty support of the Government, moral firmness, and that faith which Christians may illustrate in such a cause. They are now in the field, and good is resulting. Last evening the President, in conversation with Dr. William A. Smith and myself, expressed the earnest desire that you would address the people of Georgia in the same spirit. We promised to telegraph you at once. If possible, Bishop, go out and speak to the people, and assure them that if they will but do their duty all will be well. The faith of the country must not give way.

WM. A. SMITH,
JAS. A. DUNCAN.

JEFFERSON DAVIS.

[MARCH 1, 1865.—For Breckinridge to Vance, in relation to desertions, and urging that every influence be invoked to revive a patriotic spirit, see Series I, Vol. XLVII, Part II, p. 1296.]

RICHMOND, VA., *March 3, 1865.*

Hon. WILLOUGHBY NEWTON,
Leeds, Westmoreland County, Va.:

MY DEAR SIR: Your kind letter written January 6 was, after some lapse of time, received by me, and I reply now to thank you for your generous confidence and friendly encouragement in an hour when so many believed brave have faltered and so many esteemed true have fallen away. In such words and feelings as you extend to me I find the most gratifying reward for my labors in the public service. In

spite of the timidity and faithlessness of many who should give tone to the popular feeling and hope to the popular heart, I am satisfied that it is in the power of the good men and true patriots of the country to reanimate the wearied spirit of our people. The incredible sacrifices made by them in the cause will be surpassed by what they are still willing to endure in preference to abject submission, if they are not deserted by their leaders. Relying upon the sublime fortitude and devotion of my countrymen, I expect the hour of deliverance. I thank you that from a heart wrung by domestic affliction—although your bereavement was attended by all the circumstances that afford consolation to the patriot—you offer me that sympathy which I so esteem and so heartily return.

Very truly, and respectfully, yours,

JEFFERSON DAVIS.

WAR DEPARTMENT, BUREAU OF CONSCRIPTION,
Richmond, Va., March 3, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: Herewith I return a letter from General Robert E. Lee, in reply to my recommendations concerning the arrest of deserters from the armies, which letter was referred by your order to this Bureau. With extreme diffidence I venture to say that in my judgment General Lee's objections are not well founded. In several States civil disabilities have been provided by law for the crime of desertion from the Confederate armies, and as we know without the slightest effect in diminishing the extent of the crime. I feel quite assured the disabilities proposed by General Lee cannot be obtained from the State. It might be a question whether the terms of the fourth paragraph, second section, first article, and the spirit of the second paragraph, third section, third article of the Constitution of the Confederate States may not be an impediment to such legislation.

The full scope of my recommendation is to bring the entire existing civil machinery of the States to bear on the matter, and in addition to that they should institute special courts for the cognizance of this particular crime, and by the constitution of those courts to provide for more speedy and rigorous proceedings than are known to the existing courts; and further, for like purposes, to allow them the discretion to transfer the cases to the army tribunals. Proper provisions for these purposes would give strictness and dispatch equal to that assumed for army courts, or at least would form most efficient adjuncts to those courts besides their effect as State institutions and as being of easy access. It is but reasonable to assume that provision would be made for placing on these courts persons as nearly qualified for the duties as could be obtained, either from the class of civilians or competent military officers unfit for field service by reason of wounds or disease. Special authority, of course, would be given to Governors to insure prompt and intelligent action.

I assume that the matter of returning deserters to the Army is one of the greatest and most pressing necessities now upon the country, the importance of which no terms can exaggerate. That there are over 100,000 deserters scattered over the Confederacy; that so common is the crime it has, in popular estimation, lost the stigma which justly pertains to it, and therefore the criminals are everywhere

shielded by their families and by the sympathies of many communities. They form the numerical majorities in many localities. Under such circumstances nothing short of State institutions and stringent State laws, together with permanent and local means of enforcing these laws, can reach them. For this reason the courts should be local, and a force established which should be permanent and closely netted together throughout the Confederacy.

I suggest the creation of a force for this purpose and the use of the reserves as auxiliary. General Lee thinks a new force unnecessary, and that the reserves are sufficient, even without the aid of the civil arm, except by laws of disability. While I put youths of sixteen to seventeen in this force, I would of course transfer them at seventeen to their appropriate class—the reserves—the class General Lee proposes to use in this service. This does not keep them out of the Army; it is using them a year earlier in this duty. Not a man is kept from his due course to service in the active forces, but is, in fact, better prepared for it. The prime auxiliary I suggest to the use of the civil arm with its permanent force is precisely this reserve force, and General Orders, No. 8, current series, was prepared by me in view of that use of the reserve forces. If that force is properly organized and put permanently and exclusively on this duty, in connection with the civil agencies, it might be effectual without the creation of new forces; but unless it is made the permanent and sole duty, and that connection is rigidly maintained, I cannot think the reserves will be sufficient for the purposes. If the net-work is ever broken for a week by the reserves being called to other active service, whether local or general, although seemingly not inconsistent, the experience of the last six months convinces me that they will fail in this. Since September last the matter has been in the hands of the reserves, and fewer deserters, not only in proportion to the number, but absolutely, have been returned than while it was in charge of the meager and inappropriate conscription agencies.

I am confident General Lee is in error in supposing the reserve force will or can cure this evil. Desertion is as common in that organization as in the Army.

Adopt the State agencies in full, put the reserves in the condition General Lee suggests, and in addition let it be their sole duty, and there is great chance of good results. There is no organization which can be invented by which the reserves alone can effect the purpose.

My recommendation is intended to call to the service all available existing powers and create others applicable to it.

I have the honor to be, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

P. S.—Beyond the means heretofore suggested there may be one other worthy of consideration. If Congress calls on the States to furnish quotas of troops let deserters returned by State agencies be counted in the respective quotas. Under well ascertained restrictions and limitations this might be conceded with good effect; say, two, three, four, five, or more deserters returned be credited as one soldier, &c.

[Indorsement.]

SECRETARY OF WAR:

I very much question whether the States would pass the laws recommended in this letter. Such legislation might add to the difficulties

attending upon desertion and tend to the suppression of the evil. I think that it would, but I do not see how it could be obtained.

J. A. CAMPBELL,
Assistant Secretary of War.

[Inclosure.]

HEADQUARTERS CONFEDERATE STATES ARMIES,
February 24, 1865.

Honorable SECRETARY OF WAR,
Richmond:

SIR: I forward herewith a communication received from Brigadier-General Preston on the subject of arresting and returning absentees and deserters. I do not concur in all the suggestions of General Preston. I think a great deal could be done if the States would attach civil disabilities and penalties to the crime of desertion. They should incapacitate a deserter from making or receiving a title to land or other property by deed, will, or descent, and make desertion a good plea in abatement of any suit he might bring. But I do not think anything would be gained by trying deserters before the civil courts. Those tribunals would not be inclined to the rigor which military courts are compelled to exercise toward such offenders. Their forms of proceeding are slow, and the mitigating circumstances which deserters know so well how to invent, and which in fact often exist, would prove too much for the humane feelings of juries. The chances of escape would be multiplied, and men would hasten to avoid the speedy and strict trial by a court-martial by getting themselves brought before civil courts, in which the delay alone would defeat the objects of military punishment and effectually keep them out of service.

Nor do I think the system of State military courts recommended by General Preston, even if they were adopted, likely to benefit the service. I do not think any court competent to try military offenses with benefit to discipline except one composed of persons having a practical knowledge of the wants of armies and the necessities of service. Such tribunals as are suggested would of course be composed either of civilians or of officers unfit for active duty, and as a general thing ignorant of the necessity and importance of discipline. Besides, when deserters are arrested I think they should be at once turned over to the military authorities. The fear of being so dealt with is one of the restraints upon desertion.

Nor do I agree with General Preston as to the formation of the local force to arrest deserters. I can see no advantage that the companies he recommends would have over the reserves, and the latter are certainly more numerous. His plan would in effect take men permanently from the Army, for the youths between sixteen and seventeen whom he proposes to employ in the duty of arresting deserters would in one year be liable to military service. The actual loss would be the same as to take men already of military age. I think the duty of arresting and returning deserters should be performed by the reserves, aided by light-duty and disabled men. They should be thoroughly organized for the purpose, and officered by the most efficient invalid or retired officers. There should be a commandant of reserves in each State, charged with the control of the whole force, and reporting to the War Department through some officer connected herewith for the purpose. If a like stringency in requiring the reserve

forces to perform this duty were adopted as is employed in other branches of the service, and a thorough organization effected, I think the work would be done. If the States can be induced to require their civil officers to aid, and all Government agents and employés also, it would serve a good purpose. I think that what is required is the adoption of a plan which will make the reserves understand and feel that they are engaged in military duty and liable to military punishment for its neglect.

Very respectfully, your obedient servant,

R. E. LEE,
General.

[Sub-inclosure.]

BUREAU OF CONSCRIPTION,
Richmond, February 20, 1865.

General ROBERT E. LEE,
Commander-in-Chief of the Confederate States:

GENERAL: I will attempt to express in the fewest possible words the views I ventured to suggest this morning concerning the cure and prevention of desertion and absenteeism from the Army. I may have failed to make myself understood, for I am uncontrollably diffident in counsel where neither by rank nor ability can I claim equality. Expedients of partial effect might be suggested, and experiments that would scarcely amount to palliatives of the evil might be tried under the auspices of those ignorant of the magnitude and difficulty of the work required to catch and return from an area of 300,000 square miles over 100,000 criminals shielded by a sympathizing population. They would fail.

With entire diffidence I assume that I have some comprehension of the matter, because for near three years I have devoted without remission all my tribute to the public service in this direction.

The only comprehensive and probably successful plan for the prevention of desertion and the arrest of deserters which occurs to me is the following:

The enactment by the States and the Confederate Congress of concurrent laws constituting the crime of desertion from the Confederate armies a crime by State statute to be pursued against citizens of the State as any other crime of like grade, and additionally by military courts or commissions to be established by the States for that purpose. These laws would of course imply that the civil authority should be used for arrests of absentees from the Confederate armies, just as in the prosecution of any other statute crime, and that the parties may be turned over to the special military courts, or, at discretion, by the civil authority or by those courts to the Confederate authorities, and Congress should provide that the cases may be tried by these courts.

The mutual concessions required for these laws are: First, the adoption by State statute of a crime against Confederate law; second, the authority to be given by Congress for State courts to try crimes against Confederate law. The provisions of the laws must, of course, cover the whole matter of the forms of proceedings, testimony, &c. One provision for the Confederate law is important, that the writ of habeas corpus be suspended in case of parties actually within the custody of the special courts.

The Confederate organization should be alike in principle and very similar in detail to that provided for in the bill reported by the

minority of the Special Committee on Conscription of the House of Representatives.

If it is found impracticable to apply the reserve force to this service as its chief and permanent duty, then an effort should be made to raise a permanent force for this special duty.

I believe it may be done thus: For each Congressional district one company of not less than sixty men, armed and equipped as infantry or cavalry, as the locality may demand, to be officered from the Invalid Corps or officers found unfit for field duty (the latter preferable), and to be composed of such light-duty men between seventeen and fifty years as can be properly assigned, and such robust men between sixteen and seventeen and fifty and sixty years of age as can be obtained, and enlisted for the war for this service.

I believe 100 such companies may be obtained in sixty days. A vigorous use of all this material of law and military force would probably suffice to alleviate if not to remedy fully the existing evil and render the chance of continued absence so precarious as to prevent the extensive recurrence of desertion. The plan certainly directs to the purpose the entire power of the States and the Confederacy, except the troops actually in the field. Their use for this purpose is out of the question. It is easily tried if the States and the Congress are loyal to the extreme exigency of the country. Laws can be prepared and passed in thirty days provided they have the sanction of the President, the Secretary of War, and General Lee, and the organization may proceed *pari passu*.

It is expensive. If the public liberty depends on the armies and the armies depend for efficiency on the return of absentees, the expense is warranted.

There are accessories to this plan which may be used perhaps with good positive or auxiliary effect:

First. The instant assignment of the entire reserve forces to the duty, requiring the officers in command to take the field in person and perform it.

Second. The judicious use of amnesty, even to go further than hitherto proposed.

Third. Carefully distributed detachments from the Army.

Fourth. By general order requiring every commissioned officer not actually in the field to regard the arrest of deserters as a part of his duty, and also requiring all employés of the Government to report to the nearest authority cases known to them. This would embrace all the agents of the Quartermaster's and Commissary Departments and all others.

Fifth. Making by general order the fact of a deserter being found in a command to which he does not belong a grave offense on the part of the officer having him.

There may be others of a temporary, local, or occasional character which may be brought into operation by the intelligence and vigilance of officers.

I think it unnecessary to discuss the inefficiency of the expedients hitherto used or proposed.

The one proposed by General Pillow was fully tried under auspices of the highest authority and failed almost ridiculously. Those proposed by the bill recently passed by the Senate will fail in like manner, the object of that bill being simply not to provide for the duties proposed, but to abolish the regulations organized by the Secretary of

War for the performance of those duties, and to get rid of officers offensive to the projectors of the law.

Whether or not my humble suggestions may be valuable for the public good, I am confident, general, you will give me credit for honest and unselfish zeal in making them.

I have the honor to be, most respectfully, your obedient servant,

JNO. S. PRESTON,
Brigadier-General and Superintendent.

[MARCH 5, 1865.—For Campbell to Breckinridge, in relation to the resources of the Confederate Government available for the approaching campaign, &c., see Series I, Vol. LI, Part II, p. 1064.

RICHMOND, VA., *March 6, 1865.*

THE SENATE OF THE CONFEDERATE STATES:

I have this day approved and signed an act which originated in the Senate, entitled "An act (S. 117) to authorize the commanders of reserves in each State to order general courts-martial and to revise the proceedings of courts-martial and military courts."

In the first section the general commanding reserves in each State is authorized to order general courts-martial for the trial of offenses committed against the military code by persons belonging to his command and to revise the proceedings.

In the second section military courts are authorized under certain circumstances to try offenses committed by members of the organization of reserves. But no provision is made by which the general commanding reserves is authorized to revise the proceedings of military courts in any case. From the title of the act it seems to have been the intention to confer this power, and I have thought it proper to invite your attention to what seems to be an oversight in not granting it. A copy of the act is inclosed.*

JEFFERSON DAVIS.

Indorsement on "An act to authorize the consolidation of companies, battalions, and regiments," approved February 23, 1865.

ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
March 6, 1865.

Respectfully referred to General R. E. Lee, whose views as to the propriety of issuing the consolidation law in orders at the present time are requested. If he considers the immediate enforcement of the law advisable, the Secretary of War desires he will make such suggestions pertaining to it as he thinks the orders should embrace.†

By command of the Secretary of War:

H. L. CLAY,
Assistant Adjutant-General.

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*Not found.

†For Lee's reply, see March 15, p. 1143.

RICHMOND, VA., *March 8, 1865.*

Senator J. W. C. WATSON:

DEAR SIR: I inclose to you two letters,* that you may see how well founded was my apprehension that evil would result from presenting the issue made by the terms of the resolution in relation to a day of fast, &c. Many well-disposed persons do not understand the constitutional restriction upon my conduct, and as many, perhaps, do not know that the signature of the Secretary of State is a form properly observed in proclamations, as in commissions to officers, when issued by the President, and that he is as little responsible for the one as the other. It might have been well that our Constitution should not only have recognized a God, as it does, but the Saviour of mankind also; that it should have had not merely a religious but a Christian basis. But such is not its character, and my oath binds me to observe the Constitution as it is, not as I would have it, if in any respect I should wish it changed.

Very respectfully, yours, &c.,

JEFFERSON DAVIS.

RICHMOND, VA., *March 9, 1865.*

THE SENATE OF THE CONFEDERATE STATES:

I feel constrained to return the bill "To provide for the promotion of officers in certain cases" to the Senate, in which it originated, with a statement of the objections which have led me to withhold from it my signature.

The Constitution provides, in paragraph 2, section 2, Article II, the President "shall have power, by and with the advice and consent of the Senate," to appoint officers of the Confederate States not otherwise provided for, "but the Congress may, by law, vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments."

In the bill under consideration it is declared that "it shall be competent to the commanding general in the field, or the Secretary of War, to order the promotions to be made of the officers next in grade," &c.

This seems to me to confer a power of appointment on commanding generals not warranted by the Constitution.

It may be further remarked that the power conferred upon the Secretary of War will be ineffectual except in the case where the officer next in rank is qualified to fill the temporary vacancy, a case in which the power would be least necessary in order to provide for the time being a competent commander.

JEFFERSON DAVIS.

RICHMOND, VA., *March 11, 1865.*

THE SENATE OF THE CONFEDERATE STATES:

I have received a copy of your resolution of the 6th instant, as follows:

Resolved, That the President be respectfully requested to inform the Senate why he only gives to aides-de-camp to general officers above the grade of brigadier-general the rank of first lieutenant in his nominations made to the Senate.

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* Not found.

In response I herewith transmit for your information a communication* from Secretary of War upon the same subject in response to the resolution of the House of Representatives of November 8, 1864, as follows:

Resolved, That the President be respectfully requested to inform this House whether any appointments have been made under the act entitled "An act to provide and organize a general staff for the armies in the field to serve during the war," approved June 14, 1864, and if not, why have not such appointments been made in pursuance of said act.

The anticipation of amendatory legislation, as set forth in the annexed report, together with the discretionary power vested in the Executive by the seventh section of the act referred to, has caused me for the time being not to make appointments under said act.

In the case of aides-de-camp it has been the practice, because of their personal and confidential relations to their chief, to appoint upon his nomination. To this practice there seems to be no paramount objection, while the rank of such officers is of the subaltern grade; but if they have high rank, for many and obvious considerations their selection cannot be controlled by the personal preferences of the general with whom they are to serve. But the suggested change in the mode of selection would impair the confidential relation which an aide should have to his chief, and be an unwelcome task to the appointing power.

The nominations of aides-de-camp have for the above reasons been continued as heretofore, though the legislative amendment expected had not been made.

JEFFERSON DAVIS.

RICHMOND, VA., *March 11, 1865.*

THE SENATE OF THE CONFEDERATE STATES OF AMERICA:

The act entitled "An act to abolish the office of certain quartermasters and assistant quartermasters, commissaries and assistant commissaries, and to provide for the appointment of bonded agents in said departments," which originated in your honorable body, is herewith returned without my approval, and with a statement of the objections which have prevented my signing it.

The act abolishes the office of all quartermasters, assistant quartermasters, commissaries and assistant commissaries at posts and depots, and of those engaged in purchasing and impressing supplies, except such as are above the age of forty-five years, or have been disabled in service or declared unfit for duty in the field. It requires those officers to be dropped from service (one-fourth in two months, one-fourth in four months, one-fourth in six months, and one-fourth within two years), and directs that their places be supplied by bonded agents, who are to be persons above the age of forty-five years or disabled in service, or unfit for duty in the field; and it revokes all details and repeals all authority to grant details of persons between the ages of eighteen and forty-five years for duty in the Quartermaster's and Commissary Departments, except skilled artisans and mechanics permanently employed, or persons disabled or unfit for duty in the field.

The object plainly intended by this act is one which meets my hearty concurrence and approval. Its obvious purpose is to

* See p. 836.

strengthen the Army by placing in the ranks persons fit for active service, and whose places can be supplied by others unable to do duty in the field. On reference of the subject, however, to the Secretary of War, it has been found that this act could not be executed without seriously impairing our ability to supply the armies in the field during the approaching campaign, and that its operation would be to drop officers who have been carefully selected by reason of their superior capacity and qualifications, while retaining others of inferior merit and value.

The difficulty of furnishing supplies to the Army, owing to embarrassments in transportation, is greater now than it has been at any previous period of the war. This difficulty has prompted the selection for that duty of the best and most active and competent officers in the Quartermaster's and Commissary Departments, and such officers have within the last six months been in many instances withdrawn from the armies where their services were less important, and assigned to duty in purchasing, collecting, and forwarding supplies. This fact was, I feel confident, not known to Congress when the act was passed; and it could not have been intended to drop from service officers of special merit and retain others of inferior value. I am also satisfied, from the report made to me by the Secretary of War, that the number of officers who would be dropped under the provisions of this law is far less than is supposed; that their value as soldiers in the ranks would in no manner compensate for the loss of their services in their present position. The total number of post and purchasing commissaries in the States east of the Mississippi River is but 212, of whom many are either over forty-five years of age, or otherwise exempt from the operations of the proposed law. The total number of quartermasters collecting taxes in kind is 96, and on post duty 223, including officers in charge of manufactories of clothing, shoes, harness, wagons, ambulances, &c. A number of them are over forty-five years of age, others would not be embraced by the terms of the act, others still have special qualifications for the superintendence of the important manufactures confided to their care.

Taken altogether, it is doubted whether the officers who would be dropped under the provisions of the bill would exceed 200 in number, of whom 50 would go into the ranks in two months, 50 in four months, and 50 more in six months. This scarcely appreciable addition to the force in the field would be dearly bought at the sacrifice of efficiency in the two branches of service on which the very existence of the Army depends. The terms of the act exempt from its operation those now on duty in the field, so that if it becomes a law it would not even be possible to avert the loss of the best officers by returning them to duty in the field, and dropping others of inferior merit. The Secretary of War is left without discretion or choice in the matter.

The heads of the two branches of service affected by this act apprehend great embarrassment to their respective departments if it becomes a law. The machinery now organized would be impaired in its workings everywhere, and in some instances positively interrupted just at the opening of the most important campaign. Valuable and experienced officers would be withdrawn from service. Chief commissaries long accustomed to control operations in an entire State, quartermasters thoroughly informed as to the resources of their respective fields of duty, would at short intervals be dropped, and

the heads of these bureaus would be embarrassed with the difficult duty in the midst of an active campaign of supplying the places with inexperienced and untried successors.

The representations made to me on the subjects embraced in this act by those under whose immediate superintendence its provisions would be executed, together with my own daily experience of the difficulties attendant on the efficient discharge of the duties of these two indispensable branches of the service, have created apprehensions of injurious effects from the passage of the act too serious to permit my approving it.

JEFFERSON DAVIS.

[MARCH 11, 1865.—For Strother to St. John, reporting the financial wants of the Subsistence Department, see Series I, Vol. XLVI, Part II, p. 1302.]

JOINT RESOLUTION providing for donations to the Treasury of the Confederate States.

Whereas, many patriotic citizens have expressed their desire to contribute, by donations of money, jewels, gold and silver plate, and public securities, to the relief of the Treasury: Therefore,

Resolved by the Congress of the Confederate States of America, That the Secretary of the Treasury be, and he is hereby, authorized to receive all such donations, and to publish in the daily papers a list of the donations received and the names of the donors.

SEC. 2. That when the said contributions shall consist of certificates of indebtedness, lawfully issued by disbursing officers of the Government, and the parties holding the same are willing to give a part, but unable to give the whole, it shall be lawful for the Secretary of the Treasury to receive the proportion offered, if not less than one moiety, and to return the other moiety in certificates of indebtedness receivable in payment of taxes.

SEC. 3. To render the said public securities so donated available to the Treasury, the Secretary of the Treasury is hereby authorized to redeem the same before maturity, out of any moneys in the Treasury not otherwise appropriated.

Approved March 13, 1865.

EXECUTIVE OFFICE,
Richmond, March 13, 1865.

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

I have now under consideration the act entitled "An act to diminish the number of exemptions and details," which has passed both Houses, and was presented to me on Saturday, the 11th instant.

The act contains two provisions which would in practice so impair the efficiency of the service as to counterbalance if not outweigh the advantages that would result from the other clauses contained in it.

The third section exempts all skilled artisans and mechanics in the employment of the Government from all military service. A very

important and indeed indispensable portion of our local defense troops consists of these mechanics and artisans. They amount to many thousands in the Confederacy, and while they are and should remain exempt from general service, no good cause is perceived why they should not, like all other citizens capable of bearing arms, be organized for local defense and be ready to defend the localities in which they are respectively employed against sudden raids and incursions. If exempt from this local service, it will be necessary to detach in many cases troops from the armies in the field to guard the towns and workshops where they are employed. It is believed that if this provision become a law, the gain of strength resulting from the repeal of other exemptions enacted by the first section of the law would be more than counterbalanced by the loss of this local force.

The second provision to which I refer is that which revokes all details and exemptions heretofore granted by the President and Secretary of War, and prohibits the grant of such exemptions and details hereafter. There is little hazard in saying that such a provision could not be executed without so disorganizing the public service as to produce very injurious results. In every department of the Government, in every branch of the service throughout the country, there are duties to be performed which cannot be discharged except by men instructed and trained in their performance. Long experience makes them experts. Their services become in their peculiar sphere of duty worth to the country greatly more than any they could possibly render in the field. Some of these it would be impossible immediately to replace. The Treasury expert who detects a forged note at a glance; the accounting officer whose long experience makes him a living repository of the rules and precedents which guard the Treasury from frauds; the superintendent of the manufacturing establishments of the Government which supply shoes, harness, wagons, ambulances, &c., for the Army; the employés who have been specially trained in the distribution and subdivision of mail matter among the various routes by which it is to reach its destination, are among the instances that are afforded by the daily experience of executive officers. To withdraw from the public service at once and without any means of replacing them, the very limited number of experts, believed to be less than 100, who are affected by the bill, is to throw the whole machinery of Government into confusion and disorder, at a period when none who are not engaged in executive duties can have an adequate idea of the difficulties by which they are already embarrassed.

The desire of the Executive and the Secretary of War to obtain for the Army the services of every man available for the public defense can hardly be doubted, and Congress may be assured that nothing but imperative public necessity could induce the exercise of any discretion vested in them to retain men out of the Army. But no Government can be administered without vesting some discretion in Executive officers in the application of general rules to classes of the population. Individual exceptions exist to all such rules, in the very nature of things, and these exceptions cannot be provided for by legislation in advance.

I earnestly hope that Congress will pass an amendment to the act now under consideration, in accordance with the foregoing recommendations, so that I may be able by signing both the act and amendment to secure unimpaired benefit from the proposed legislation.

JEFFERSON DAVIS.

EXECUTIVE OFFICE,
Richmond, March 13, 1865.

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES:

I have returned with my approval an act entitled "An act to regulate the business of conscription." There is, however, one section of the act which seems to me to threaten injury to the service unless essentially modified.

The eighth section provides that there shall be in each Congressional district "a medical board composed of three surgeons who, after due notice of the time and place of their meeting, shall visit each county of their district at least once in three months, and shall examine for discharge or recommendation for light duty all conscripts who have been furloughed under the provisions of the preceding section. Every discharge granted by said Medical Board shall be final and shall relieve the party from all military service in the future when the disability is permanent and the cause of it is set forth in the certificate."

It is greatly to be feared that under the terms of this section considerable numbers of men will be finally discharged from military service while competent to aid in the defense of their country. The terms of the law do not require that the disability shall be total, as well as permanent, in order to entitle the soldier to be discharged. The loss of a limb, or stiffness of a joint, or even the loss of the dexter forefinger, lameness, near-sightedness, partial deafness are instances of disability, permanent but not total, and which may well exist without rendering the individual incompetent to perform valuable service in posts, garrisons, or even in active operations.

The number of surgeons required for the duty imposed by this section would be about 150 in addition to the local physicians. We have no medical officers to spare from attendance upon the troops and in hospitals, so that it would be necessary to appoint this number of new officers who would generally be drawn from men in active service in the field. After the first visit to the different counties these officers would have so little to do as to be practically supernumeraries supported by the Government at great cost, and with the loss of their services in the field. Of the three surgeons who are to compose the Board only two are to be public officers, so that any resident physician of a county in connection with a single army surgeon would have power by action, from which there is no appeal, to discharge permanently from service any inhabitant of the county in which he practices his profession. When we consider the strong opposition manifested in many districts of country to the system of conscription, and the many influences which are resorted to by those who seek to escape service, there is much cause to fear that the effect of these provisions will be to deplete our reduced forces to a serious extent, and I hope it will be the pleasure of Congress to repeal this section or materially to modify its provisions.

JEFFERSON DAVIS.

RICHMOND, VA., *March 13, 1865.*

THE SENATE AND HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

When informed on Thursday last that it was the intention of Congress to adjourn *sine die* on the ensuing Saturday, I deemed it my

duty to request a postponement of the adjournment in order that I might submit for your consideration certain matters of public interest which are now laid before you. When that request was made the most important measures that had occupied your attention during the session had not been so far advanced as to be submitted for Executive action, and the state of the country had been so materially affected by the events of the last four months as to evince the necessity of further and more energetic legislation than was contemplated in November last.

Our country is now environed with perils which it is our duty calmly to contemplate. Thus alone can the measures necessary to avert threatened calamities be wisely devised and efficiently enforced.

Recent military operations of the enemy have been successful in the capture of some of our sea-ports, in interrupting some of our lines of communication, and in devastating large districts of our country. These events have had the natural effect of encouraging our foes and dispiriting many of our people. The Capital of the Confederate States is now threatened, and is in greater danger than it has heretofore been during the war. The fact is stated without reserve or concealment, as due to the people whose servants we are, and in whose courage and constancy entire trust is reposed; as due to you in whose wisdom and resolute spirit the people have confided for the adoption of the measures required to guard them from threatened perils.

While stating to you that our country is in danger, I desire also to state my deliberate conviction that it is within our power to avert the calamities which menace us, and to secure the triumph of the sacred cause for which so much sacrifice has been made, so much suffering endured, so many precious lives been lost. This result is to be obtained by fortitude, by courage, by constancy in enduring the sacrifices still needed; in a word, by the prompt and resolute devotion of the whole resources of men and money in the Confederacy to the achievement of our liberties and independence. The measures now required, to be successful, should be prompt. Long deliberation and protracted debate over important measures are not only natural, but laudable in representative assemblies under ordinary circumstances; but in moments of danger, when action becomes urgent, the delay thus caused is itself a new source of peril. Thus it has unfortunately happened that some of the measures passed by you in pursuance of the recommendations contained in my message of November last have been so retarded as to lose much of their value, or have, for the same reason, been abandoned after being matured, because no longer applicable to our altered condition, and others have not been brought under examination. In making these remarks it is far from my intention to attribute the loss of time to any other cause than those inherent in deliberative assemblies, but only urgently to recommend prompt action upon the measures now submitted.

We need, for carrying on the war successfully, men and supplies for the Army. We have both within our country sufficient to obtain success. To obtain the supplies it is necessary to protect productive districts and guard our lines of communication by an increase in the number of our forces; and hence it results that with a large augmentation in the number of men in the Army, the facility of supplying the troops would be greater than with our present reduced strength. For the purchase of the supplies now required, especially for the armies in Virginia and North Carolina, the Treasury must be provided with means, and a modification in the impressment law is

required. It has been ascertained by examination that we have within our reach a sufficiency of what is most needed for the Army, without having recourse to the ample provision existing in those parts of the Confederacy with which our communication has been partially interrupted by hostile operations. But in some districts from which supplies are to be drawn, the inhabitants, being either within the enemy's lines or in very close proximity, are unable to make use of Confederate Treasury notes for the purchase of articles of prime necessity, and it is necessary that to some extent coin be paid in order to obtain supplies. It is therefore recommended that Congress devise the means for making available the coin within the Confederacy for the purpose of supplying the Army. The officers of the supply departments report that with $2,000,000 in coin the armies in Virginia and North Carolina can be amply supplied for the remainder of the year, and the knowledge of this fact should suffice to insure the adoption of the measures necessary to obtain this moderate sum.

The impressment law as it now exists prohibits the public officers from impressing supplies without making payment of the valuation at the time of impressment. The limit fixed for the issue of Treasury notes has been nearly reached, and the Treasury cannot always furnish the funds necessary for prompt payment; while the law for raising revenue, which would have afforded means for diminishing, if not removing this difficulty, was unfortunately delayed for several months, and has just been signed. In this condition of things it is impossible to supply the Army, although ample stores may exist in the country, whenever the owners refuse to give credit to the public officer. It is necessary that this restriction on the power of impressment be removed. The power is admitted to be objectionable, liable to abuse, and unequal in its operations on individuals; yet all these objections must yield to absolute necessity. It is also suggested that the system of valuation now established ought to be radically changed. The legislation requires in such cases of impressment that the market price be paid, but there is really no market price in many cases, and the valuation is made arbitrarily and in a depreciated currency. The result is that the most extravagant prices are fixed, such as no one expects ever to be paid in coin. None believe that the Government can ever redeem in coin the obligation to pay $50 a bushel for corn, or $700 a barrel for flour. It would seem to be more just and appropriate to estimate the supplies impressed at their value in coin, to give the obligation of the Government for the payment of the price in coin with reasonable interest; or, at the option of the creditor, to return in kind the wheat or corn impressed, with a reasonable interest also payable in kind, and to make the obligations thus issued receivable for all payments due in coin to the Government. Whatever be the value attached by Congress to these suggestions, it is hoped that there will be no hesitation in so changing the law as to render it possible to supply the Army in case of necessity for the impressment of provisions for that purpose.

The measure adopted to raise revenue, though liberal in its provisions, being clearly inadequate to meet the arrear of debt and the current expenditure, some degree of embarrassment in the management of the finances must continue to be felt. It is to be regretted, I think, that the recommendation of the Secretary of the Treasury of a tax on agricultural income equal to the augmented tax on other incomes, payable in Treasury notes, was rejected by Congress. This

tax would have contributed materially to facilitate the purchase of provisions and diminish the necessity that is now felt for a supply of coin.

The measures passed by Congress during the session for recruiting the Army and supplying the additional force needed for the public defense have been, in my judgment, insufficient, and I am impelled by a profound conviction of duty and stimulated by a sense of the perils which surround our country, to urge upon you additional legislation on this subject.

The bill for employing negroes as soldiers has not yet reached me, though the printed journals of your proceedings inform me of its passage. Much benefit is anticipated from this measure, though far less than would have resulted from its adoption at an earlier date so as to afford time for their organization and instruction during the winter months.

The bill for diminishing the number of exempts has just been made the subject of a special message, and its provisions are such as would add no strength to the Army. The recommendation to abolish all class exemptions has not met your favor, although still deemed by me a valuable and important measure; and the number of men exempted by a new clause in the act just passed is believed to be quite equal to that of those whose exemption is revoked. A law of a few lines repealing all class exemptions would not only strengthen the forces in the field, but be still more beneficial by abating the natural discontent and jealousy created in the Army by the existence of classes privileged by law to remain in places of safety while their fellow-citizens are exposed in the trenches and the field.

The measure most needed, however, at the present time for affording an effective increase to our military strength is a general militia law, such as the Constitution authorizes Congress to pass, by granting to it power "to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the Confederate States," and the further power "to provide for calling forth the militia to execute the laws of the Confederate States, suppress insurrections, and repel invasions." The necessity for the exercise of this power can never exist if not in the circumstances which now surround us.

The security of the States against any encroachment by the Confederate Government is amply provided by the Constitution by "reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

A law is needed to prescribe not only how and of what persons the militia are to be organized, but to provide the mode of calling them out. If instances be required to show the necessity for such general law, it is sufficient to mention that in one case I have been informed by the Governor of a State that the law does not permit him to call the militia from one county for service in another, so that a single brigade of the enemy could traverse the State and devastate each county in turn without any power on the part of the Executive to use the militia for effective defense; while in another State the Executive refused to allow the militia "to be employed in the service of the Confederate States" in the absence of a law for that purpose.

I have heretofore, in a confidential message to the two Houses, stated the facts which induced me to consider it necessary that the

privilege of the writ of habeas corpus should be suspended. The conviction of the necessity of this measure has become deeper as the events of the struggle have been developed. Congress has not concurred with me in opinion. It is my duty to say that the time has arrived when the suspension of the writ is not simply advisable and expedient, but almost indispensable to the successful conduct of the war. On Congress must rest the responsibility of declining to exercise a power conferred by the Constitution as a means of public safety, to be used in periods of national peril resulting from foreign invasion. If our present circumstances are not such as were contemplated when this power was conferred, I confess myself at a loss to imagine any contingency in which this clause of the Constitution will not remain a dead letter.

With the prompt adoption of the measures above recommended, and the united and hearty co-operation of Congress and the people in the execution of the laws and the defense of the country, we may enter upon the present campaign with cheerful confidence in the result. And who can doubt the continued existence of that spirit and fortitude in the people, and of that constancy under reverses which alone are needed to render our triumph secure? What other resource remains available but the undying, unconquerable resolve to be free? It has become certain beyond all doubt or question that we must continue this struggle to a successful issue or must make abject and unconditional submission to such terms as it shall please the conqueror to impose on us after our surrender. If a possible doubt could exist after the conference between our Commissioners and Mr. Lincoln, as recently reported to you, it would be dispelled by a recent occurrence of which it is proper that you should be informed.

Congress will remember that in the conference above referred to our Commissioners were informed that the Government of the United States would not enter into any agreement or treaty whatever with the Confederate States, nor with any single State; that the only possible mode of obtaining peace was by laying down our arms, disbanding our forces, and yielding unconditional obedience to the laws of the United States, including those passed for the confiscation of our property, and the constitutional amendment for the abolition of slavery. It will be further remembered that Mr. Lincoln declared that the only terms on which hostilities could cease were those stated in his message of December last, in which we were informed that in the event of our penitent submission he would temper justice with mercy, and that the question whether we would be governed as dependent territories or permitted to have a representation in their Congress was one on which he could promise nothing, but which would be decided by their Congress after our submission had been accepted.

It has not, however, been hitherto stated to you that in the course of the conference at Fortress Monroe a suggestion was made by one of our Commissioners that the objection entertained by Mr. Lincoln to treating with the Government of the Confederacy, or with any separate State, might be avoided by substituting for the usual mode of negotiating through commissioners or other diplomatic agents the method sometimes employed of a military convention to be entered into by the commanding generals of the armies of the two belligerents. This he admitted was a power possessed by him, though it was not thought commensurate with all the questions involved. As he did not accept the suggestion when made, he was afterward requested to reconsider his conclusion upon the subject of a suspension of hostili-

ties, which he agreed to do, but said that he had maturely considered of the plan and had determined that it could not be done. Subsequently, however, an interview with General Longstreet was asked for by General Ord, commanding the enemy's Army of the James, during which General Longstreet was informed by him that there was a possibility of arriving at a satisfactory adjustment of the present unhappy difficulties by means of a military convention, and that if General Lee desired an interview on the subject it would not be declined, provided General Lee had authority to act. This communication was supposed to be the consequence of the suggestion above referred to, and General Lee, according to instructions, wrote to General Grant on the 2d of this month proposing to meet him for conference on the subject, and stating that he was vested with the requisite authority. General Grant's reply stated that he had no authority to accede to the proposed conference; that his power extended only to making a convention on subjects purely of a military character, and that General Ord could only have meant that an interview would not be refused on any subject on which he (General Grant) had the right to act.* It thus appears that neither with the Confederate authorities nor the authorities of any State, nor through the commanding generals, will the Government of the United States treat or make any terms or agreement whatever for the cessation of hostilities. There remains, then, for us no choice but to continue the contest to a final issue, for the people of the Confederacy can be but little known to him who supposes it possible they would ever consent to purchase at the cost of degradation and slavery permission to live in a country garrisoned by their own negroes and governed by officers sent by the conqueror to rule over them.

Having thus fully placed before you the information requisite to enable you to judge of the state of the country, the dangers to which we are exposed, and the measures of legislation needed for averting them, it remains for me but to invoke your attention to the consideration of those means by which, above all others, we may hope to escape the calamities that would result from our failure. Prominent above all others is the necessity for earnest and cordial co-operation between all departments of government, State and Confederate, and all eminent citizens throughout the Confederacy. To you especially, as Senators and Representatives, do the people look for encouragement and counsel. To your action, not only in legislative halls, but in your homes, will their eyes be turned for the example of what is befitting men who, by willing sacrifices on the altar of freedom, show that they are worthy to enjoy its blessings. I feel full confidence that you will concur with me in the conviction that your public duties will not be ended when you shall have closed the legislative labors of the session, but that your voice will be heard cheering and encouraging the people to that persistent fortitude which they have hitherto displayed, and animating them by the manifestation of that serene confidence which in moments of public danger is the distinctive characteristic of the patriot who derives courage from his devotion to his country's destiny and is thus enabled to inspire the like courage in others.

Thus united in a common and holy cause, rising above all selfish considerations, rendering all our means and faculties tributary to the

*For the correspondence between Grant and Lee, see Series I, Vol. XLVI, Part II, pp. 824, 825.

country's welfare, let us bow submissively to the Divine will and reverently invoke the blessing of our Heavenly Father that, as He protected and guided our sires when struggling in a similar cause, so He will enable us to guard safely our altars and our firesides, and maintain inviolate the political rights which we inherited.

JEFFERSON DAVIS.

RICHMOND, VA., *March 13, 1865.*

THE HOUSE OF REPRESENTATIVES:

Herewith I transmit a letter from the Secretary of War, covering several communications from officers of the Army in reference to the present condition of the country as connected with military defense, and especially with the matter of supplies for the Army. They will serve to elucidate the message this day transmitted to you. The last in the order of time of those communications was received after my message was transmitted, and refers to a contingency which, if it should occur, must seriously affect the opinions which I then expressed. I invite your special attention to the papers submitted.

JEFFERSON DAVIS.

[Inclosure.]

WAR DEPARTMENT,
Richmond, March 13, 1865.

JEFFERSON DAVIS,
President of the Confederate States:

SIR: I have the honor to submit copies of the following papers:

First. A letter addressed by me to General R. E. Lee, dated the [8th] instant.*

Second. The answer of General Lee, dated the [9th] instant.*

Third. Communications from the Quartermaster-General, the Commissary-General, the chief of the Ordnance Bureau, and the chief of the Niter and Mining Bureau, in answer to a circular from me inviting their attention to those points in General Lee's letter which connect themselves with the respective departments of these officers.†

Fourth. A communication which I addressed to you on the [18th] ultimo‡ in regard to the wants of the War Department, and which was at that time transmitted by you to the Congress. The letter of General Lee gives his view (in which I concur) of the military situation, while the other papers sufficiently indicate the necessity of immediate action upon the subjects to which they relate.

The whole is submitted for such disposition as you may deem advisable.

Very respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

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*See Series I, Vol. XLVI, Part II, pp. 1292, 1295.

† These communications not found as inclosures, excepting an incomplete letter from the Subsistence Bureau, following. In this connection see also French, Williams, and Claiborne, to St. John, March 10, 1865, Series I, Vol. XLVI, Part II, pp. 1297, 1298, and St. John to Breckinridge, March 13, 1865, Series I, Vol. LI, Part II, p. 1067.

‡ See Series I, Vol. XLVI, Part II, p. 1239.

[Sub-inclosure.]

CONFEDERATE STATES OF AMERICA, SUBSISTENCE BUREAU,
Richmond, March 10, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War:

SIR: In reply to your communication of this date, calling attention to points in the letter of the General-in-Chief, I have the honor to state:

First. As to the existence of commissary supplies in the country, I express the general opinion that a sufficient surplus remains within the Confederate lines in Virginia, North Carolina, upper South Carolina, and East Tennessee to subsist the Confederate forces operating therein until the next crop can be made available. This opinion is based upon a careful review of the Bureau information up to the 20th ultimo, and after personal conference with leading farmers, millers, and men of business. It assumes that four months' supply will be retained for local wants, and does not include the small and very uncertain supplies which may be wagoned over from Georgia.

Second. As to the collection of these supplies I express the further opinion that with adequate military protection in the more exposed localities, and with a prompt supply of suitable funds, the officers and agents of this service can keep the depot full in anticipation of all arrangements of the Quartermaster's Department to remove and forward. In the present condition of the country great effort will be required, but with funds it can be done. To aid the Government officers a very active popular movement has been initiated and pressed by the Bureau, but it must be regarded as simply auxiliary and not to be relied upon as a permanent source of supply.

Prompt payment in funds that will be received without compulsion are considered indispensable in arranging a certain supply for the future; without this all efforts will be paralyzed. The commissary debt now exceeds $70,000,000.

Third. As to transportation of these supplies, in the Southwest and in North Carolina the forces can be subsisted from local resources and with the ordinary army transportation, but the Army of Northern Virginia must be supplied by distant railroad transportation; and at least to Abingdon, Va., and to Goldsborough and Charlotte, N. C., 120 tons of commissary supplies daily

[Incomplete.]

[MARCH 13, 1865.—For Davis to Lee, relating to the signing of the bill for putting negroes into the Army, see Series I, Vol. XLVI, Part II, p. 1308.]

MACON, *March 13, 1865.*

Governor JOSEPH E. BROWN:

Detailed agriculturists are now ordered into Confederate service in the field. Will those whom you called and who went into the militia be compelled to report for duty in Confederate service, or will you claim them still in the militia? Answer immediately by telegraph.

T. R. STEWART.

EXECUTIVE DEPARTMENT,
Milledgeville, Ga., March 13, 1865.

All persons belonging to Major-General Smith's division are in the actual military service of the State. No one of them, whether detailed agriculturists or not, will obey any order from a Confederate officer, unless so directed by General Smith, when he is under orders from me to report to a Confederate general. The State took the detailed agriculturists into her military service at a time when, according to the decision of the supreme court, they were not in the military service of the Confederacy, and the Confederate officers can take no control over them without the consent of the State till they are disbanded by the State. They are now only on furlough.

JOSEPH E. BROWN.

STATE OF VIRGINIA, EXECUTIVE DEPARTMENT,
Richmond, March 14, 1865.

The Honorable the COURTS OF THE COUNTIES, CITIES, &C., NAMED IN THE ANNEXED SCHEDULE:

GENTLEMEN: In compliance with the requisition from the President of the Confederate States, under the law recently enacted by the General Assembly (a copy of which is herewith accompanying), I, William Smith, Governor of Virginia, as required by said act, do hereby call upon the courts of the counties, cities, and towns in the annexed schedule for 10 per centum of the slaves therein, between the ages of eighteen and fifty-five years, capable of ordinary labor.

Instructions.—It is the duty of the court to ascertain the number of slaves within the prescribed ages within their respective jurisdictions. This duty comprehends all slaves, however employed, not embraced in former requisitions by the Governor. It includes all slaves hired by the Confederate Government or any of its agents.

Slaves impressed or allotted under this requisition may be detailed by Confederate authority, but when so detailed they cannot be replaced by a new impressment.

The courts must include among those from whom the allotment is to be made all the capable slaves between the before-mentioned ages within their jurisdictions, whether owned or hired, except the slaves of parties owning or hiring but one slave each.

No county exempt.—All counties, &c., whether ravaged by the enemy or stripped of their slave labor, to whatever extent, are bound to furnish the required per centum of what is left, except in such counties, &c., as may have lost two-thirds of their slaves; in which case no person in such counties, unless he have more than two such slaves, is liable to allotment.

Exemptions.—The Governor is intrusted with the power to exempt in cases in which the law cannot or ought not to be enforced; in cases in which the slave-owner, from sickness or other calamity, has but one slave liable to draft. He cannot exempt in any other cases.

Slaves not subject to draft.—Where a soldier in service, or a widow having a son, or whose husband has died therein, has but one slave, either owned or hired.

The allotment.—All persons required by the court to furnish negroes under this requisition failing to deliver them at the time and place designated will incur a fine of not less than $3 nor more than $10 for each negro and for every day for which he may be withheld. This penalty will be rigidly exacted.

All slaves not delivered by the sheriff, &c., may be seized by the enrolling officer of the county, or such other agency as the Confederate Government may provide.

Penalties.—The sheriff, for neglect of duty, is liable to a penalty of not less than $500 nor more than $2,000.

Clerks, justices of the peace, or sheriffs failing or refusing to perform the duties imposed by this act are guilty of malfeasance in office, and upon conviction thereof in the circuit court their offices are declared vacant.

Owners of slaves will observe that for their slaves they will be entitled to $60 per month each, soldiers' rations, medicines, and medical attendance; that they are entitled to an overseer of their own selection; that they can furnish their slaves rations, which can be commuted, and that their overseers will be allowed to issue them.

I regret to have to inform the counties that many of them have wholly neglected to respond to the former requisition, and that the new act has been passed to prevent in future such delinquency. I need not say that it will be rigidly enforced. Nothing but the sternest necessity has induced the present call. The officer conducting this branch of the service says:

> In consideration of the urgent need for labor on the defenses in the vicinity of Richmond and Petersburg, as set forth in the letter of Brigadier-General Stevens, chief engineer of the Army of Northern Virginia, written by direction of General Lee, I respectfully call the attention of His Excellency the Governor of Virginia to the modified act of Assembly of March 5, 1865. Every day that is lost may involve most serious consequences to our country. The negroes should be delivered to Captain Snead, adjutant to General W. H. Stevens, chief engineer, corner of Franklin and Nineteenth streets, city of Richmond.

I earnestly hope prompt and immediate response to this call will be made, involving, as it does, the safety of the capital of our State, and, it may be, of the institution of slavery itself.

Respectfully, &c.,

WILLIAM SMITH.

The following are the counties, cities, &c., called on for their quotas of 10 per cent. of slaves:

Albemarle, Alleghany, Amelia, Amherst, Appomattox, Augusta, Bath, Bedford, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Caroline, Charlotte, Chesterfield, Craig, Cumberland, Danville, Dinwiddie, Floyd, Fluvanna, Franklin, Giles, Goochland, Grayson, Greenbrier, Greene, Halifax, Hanover, Henrico, Henry, Highland, King and Queen, King William, Lee, Louisa, Lunenburg, Madison, Mecklenburg, Mercer, Monroe, Montgomery, Nelson, Nottoway, Orange, Patrick, Petersburg, Pittsylvania, Powhatan, Prince Edward, Rappahannock, Richmond City, Roanoke, Rockbridge, Russell, Scott, Smyth, Spotsylvania, Surry, Sussex, Tazewell, Washington.

[Inclosure.]

AN ACT prescribing the mode of apportioning slaves to work on fortifications and other public works, and regulating the impressment of slaves therefor by the Confederate Government, passed March 4, 1865.

1. *Be it enacted by the General Assembly*, That it shall be the duty of the Governor, and he is hereby authorized and required, whenever thereto requested by the President of the Confederate States, to call into the service of the Confederate States, for labor on fortifications and other works for the public defense within this State, from time to

time, for a period not exceeding sixty days, a number of male slaves, between the ages of eighteen and fifty-five years, not exceeding ten thousand at any one time, and not exceeding in any county or corporation one-fifth of the number of male slaves therein between the ages aforesaid, to be apportioned by the Governor. In making said apportionment it shall not be necessary to ascertain the number of slaves in each county or corporation liable to requisition; but the Governor, with the limitation hereinbefore specified, may require all the counties and corporations to furnish a like proportion of their slaves between the ages specified. Such requisition shall be apportioned ratably among all the owners or possessors of slaves in the several counties and corporations so as to charge each owner or possessor with the same proportion of his male slaves, between the ages specified, capable of performing ordinary labor, to be judged of by the court, which may be demanded from his county or corporation. The sum of sixty dollars per month for each slave shall be paid by the Confederate States to the person entitled to his services, and soldiers' rations, medicines and medical attendance furnished; and the value of all such slaves as may, without the default of the owner, die during their term of service, or thereafter, from injuries received or diseases contracted in such service, or not be returned to the owners, shall be paid by the Confederate States to the owners of such slaves. If such slaves shall be injured while in such service, full compensation therefor shall be made to the owners; and in all cases the burden of proof shall be on the authorities of the Confederate States to discharge the latter from liability to the former. Hired slaves shall be regarded as the slaves of their temporary owners in apportioning for the purposes of this act, but when such slaves shall be held by persons owning other slaves it shall not be lawful for the temporary owner to select one or more of the hired slaves to be sent to the public works; but in every such case the slave or slaves to be sent shall be ascertained by lot, in which each of said slaves, as well those owned as hired, shall be drawn for by the court: *Provided*, That the Governor shall exempt from the operation of this act any county or corporation, or any part thereof, in which he may be satisfied the law cannot be enforced, or in which, by reason of losses by the public enemy, or of contiguity to the enemy's lines, it ought not, in his judgment, to be enforced; of which he shall judge upon the affidavits of the commissioner of the revenue, the clerk and presiding justice of the county or corporation court, and such other evidence or information as may be laid before him; and, in cases where, by reason of sickness or by other calamity, a slaveholder shall have but one male slave liable to the provisions of this act, it shall be competent for the Governor to exempt said slave-holder from the impressment or draft: *Provided further*, That in no case where any person shall own or have hired but one slave liable to the provisions of this act, shall said slave be impressed, or drafted, or counted, in ascertaining the quota of a county or corporation: *Provided further*, That whenever it shall be certified to the Governor by the county court of any county that two-thirds of the male slaves described in this act in such county have been removed from said county by escape to the enemy, or other cause, the requisition provided for in this act shall not be enforced in such county, except in the case of persons therein who are employing in their service more than two slaves of said description.

2. *Be it further enacted*, That so soon as the Governor shall determine to make a requisition for slaves under this act he shall give notice thereof to the several counties and corporations on which the

call may be made, by causing to be filed with the clerks of the several county and corporation courts copies of the requisition made on their respective counties and corporations; and thereupon it shall be the duty of said clerks forthwith to issue a summons to all the acting justices of their respective counties and corporations, requiring them to meet at the court-houses of their counties and corporations on a day to be named in the summons, not later than six days from the filing of the requisition, to carry the same into effect; which summons shall be directed to and executed by the sheriff of the county or sergeant of the corporation, as the case may be.

3. It shall be the duty of the several county and corporation courts, after being duly convened, as aforesaid, and not less than five justices being present, to ascertain, by the assistance of the commissioners of the revenue of their respective counties and corporations, or otherwise, the entire number of male slaves therein between the ages specified, subject to requisition under this act; and after ascertaining the same to apportion the requisition aforesaid, without delay, among all the holders of such slaves, so as to charge each slave-holder, as near as may be, with the same proportion of his male slaves between the ages of eighteen and fifty-five, capable of performing ordinary labor, as may be demanded from his county or corporation, throwing into classes, when necessary, the holders of but one or few slaves, and of fractions of slaves, and ascertaining by lot, or agreement between the parties, or otherwise, the slave or slaves to be sent to the public works from such classes, and giving, as far as practicable, relief to those upon whom the lot or draft may have fallen under any preceding requisition: *Provided*, That in no case of a soldier in the service, or a widow having a son therein, or whose husband has died in such service, owning or hiring but one male slave, shall such slave be subject to requisition under this act. But no slave-holder shall be exempted by reason of having slaves in the employment of the State or Confederate Government.

4. So soon as the apportionment aforesaid shall be made, it shall be the duty of the courts of the several counties and corporations to require each slave-holder to deliver, on a day and at a place appointed by the court, his quota of slaves to the sheriff or sergeant, as the case may be, to be delivered by such sheriff or sergeant to an agent or officer of the Confederate States in the city of Richmond, at the expense of the Confederate States. All slaves delivered by the holders on the day and at the place designated, as aforesaid, to be returned at the expiration of sixty days. Slaves not delivered in accordance with the order of the court shall be seized by the sheriff or sergeant, as the case may be, and delivered, at the expense of the owners, to the agent or officer of the Confederate States authorized to receive them, and may be held, on the terms and conditions aforesaid, for a period not exceeding ninety days, unless sufficient cause for the failure shall be shown to the court of the county or corporation in which such failure may occur, and then entered on record; in which event the expenses of said delivery shall be paid by the Confederate States, and a certified copy of such order shall be conclusive evidence of such sufficient cause; and, moreover, the holder of such slave shall be fined not less than $3 nor more than $10 for every day each slave shall be withheld; and it shall be the duty of the sheriff or sergeant to report to the court, at its next succeeding monthly term, all persons failing or refusing to deliver their slaves as aforesaid. And unless good cause be shown, after ten days' notice, for such failure or refusal, the court shall impose said fines, for which an execution shall be

forthwith issued by the clerk of the court; which fines shall be repeated from time to time until the order of the court is complied with. Any sheriff or sergeant failing to discharge the duties imposed by this act shall be fined not less than $500 nor more than $2,000; and any slave or slaves not delivered as aforesaid may be forthwith seized by the enrolling officer of the Confederate States for the county in which the owner of such slave or slaves may reside, to be by him delivered to the proper officer of the Confederate States, to be held for the period of ninety days, as aforesaid.

5. It shall be lawful for the proper authorities of the Confederate States whenever, in their opinion, the public interest may require it, to detail for business, and at the place from which they have been taken, any slaves drafted under the provisions of this act; but in no case shall the deficiency in labor on the public works, caused by such detail, be supplied by a new draft on the other slave-holders of the county or corporation in which the detail may be made; and any slaves which shall be exempted from impressment or draft by any law of the Confederate States shall be regarded as detailed under the provisions of this act.

6. The clerk and sheriff or sergeant shall attend the sessions of the court, as in other cases, and the court may adjourn from time to time, until the business shall be completed.

7. Should any county or corporation court fail or refuse to discharge the duties imposed by this act, wholly or in part, for ten days from the filing of the requisition with the clerk of the court, as prescribed in the second section of this act, it shall be the duty of the clerk of said court immediately to notify the Secretary of War of the Confederate States; or, in case any clerk shall fail to give such notice to the said Secretary in due time after the failure or refusal of such court to act, it shall thereupon be lawful for said Secretary of War, by officers and agents of his own selection, with the aid of the commissioners of the revenue of such county or corporation (who are hereby required to render such aid when required), to impress from said county or corporation such proportion of the slaves demanded by the Governor therefrom as may not have been furnished under the provisions of this act. The slaves thus impressed, together with such as may have been furnished by such county or corporation under this act, shall not exceed one-fifth of the number of male slaves therein between the ages specified, capable of performing ordinary labor, shall be apportioned among the slave-holders as herein above set forth, and shall be held not longer than ninety days, for the uses and upon the terms and conditions set forth in the first section of this act. Separate receipts shall in all cases be executed to the owners by the sheriff or other person seizing or taking possession of slaves under this act, and receipts shall, in like manner, be taken by the sheriff or other person holding them, when slaves may be turned over to the agent or officer of the Confederate States. Slaves coming into the possession of the sheriffs, sergeants, or agents of the Secretary of War under this act shall be regarded as in the possession and service of the Confederate States, and at their expense until redelivered to their owners. For every seizure of a slave by a sheriff or sergeant, under this act, he shall be entitled to a fee of $5, to be paid by the person failing to deliver such slaves. The willful failure or refusal of either the clerk, or any justice, or sheriff, or sergeant, to perform the duties required of them under this act, shall be deemed a malfeasance in office, and on conviction thereof their offices shall become

vacant; and for every such failure or refusal it shall be the duty of the Commonwealth's attorney for the circuit court of such county or corporation to cause the offender or offenders to be forthwith indicted for the same in said court.

8. Under any requisition made upon any county or corporation, it shall be lawful for any number of persons who may be required to furnish not less than thirty nor more than forty slaves, to place such slaves in charge of an agent or overseer, not liable to military duty, selected by such owners, who shall deliver them to the Confederate authorities at the place where the labor is to be performed, at the expense of the Confederate States; and such agent or overseer, if a fit and proper person, shall be employed by the Confederate Government as the agent or overseer in charge of the slaves during their service of sixty days; and such agent or overseer shall not be discharged by any officer of the Confederate Government, except for good cause, to be approved by the Secretary of War: *Provided*, That if the requisition on any county or corporation shall amount to only twenty slaves, and less than thirty, in such case an overseer or manager, not liable to military duty, may be selected, as aforesaid.

9. The owners of slaves may furnish them subsistence and provisions, and in such event shall be allowed commutation in money, in lieu of rations, equal to the commutation allowed soldiers in the service. Transportation therefor shall be furnished by the Governor, and he shall make such arrangements with the authorities of the Confederate States as may be necessary to secure the benefit thereof to said slaves.

10. All slaves sent voluntarily by their owners to the Confederate authorities, and accepted by them, shall stand on the same footing as if sent under the proceedings required by this act.

11. This act shall be communicated forthwith by the Governor to the President of the Confederate States, and shall be regarded as an act regulating the mode in which, and the terms upon which, slaves in this State shall be impressed by the Confederate authorities, under the act of Congress, entitled "An act to regulate impressments," approved March 26, 1863, to the extent provided for in this act. Any call for slaves hereafter made by the President on the Governor shall be regarded as an assent to, and acceptance of, all the provisions of this act by the Confederate States.

12. *Be it further enacted*, That the act, passed March 13, 1863, entitled "An act to amend and re-enact 'An act further to provide for the public defense,' passed October 3, 1862," and the acts amendatory thereof, and all other acts or parts of acts inconsistent with the provisions of this act, be, and the same are hereby, repealed.

13. This act shall be in force from its passage.

A copy from the rolls.

Test. WM. F. GORDON, JR.,
Clerk House of Delegates and Keeper of Records.

HEADQUARTERS ARMY OF NORTHERN VIRGINIA,
March 15, 1865.

Hon. J. C. BRECKINRIDGE,
Secretary of War, Richmond, Va.:

SIR: I have received a copy of the act to authorize the consolidation of companies, battalions, and regiments, approved 23d of February,

1865, referred to me for my opinion as to the propriety of issuing the necessary orders for carrying it into effect at the present time. The period is very unfavorable for executing the law. The principal army at the South, under General Johnston, is now in the field operating against the enemy, and it will be very difficult, if not impracticable, to reorganize it. This army is in close proximity to the enemy, and active operations may commence any day. It would be extremely hazardous at this time, in my opinion, to begin a general consolidation of the regiments. As the Department under the law is authorized to issue general regulations on the subject, I think the law might be ordered to be carried into effect, provided the time be left discretionary with the commanders of the several armies. Occasion might be taken to unite certain companies, and advantageously, and some benefit be thus derived during the campaign.*

I have the honor to be, your obedient servant,

R. E. LEE,
General.

CONFEDERATE STATES OF AMERICA, WAR DEPARTMENT,
ADJUTANT AND INSPECTOR GENERAL'S OFFICE,
Richmond, Va., March 15, 1865.

Majs. J. W. PEGRAM and THOMAS P. TURNER:
(Through General Ewell.)

SIRS: You are hereby authorized to raise a company or companies of negro soldiers, under the provisions of the act of Congress approved March 13, 1865. When the requisite number shall have been recruited they will be mustered into the service for the war and muster-rolls forwarded to this office. The companies when organized will be subject to the rules and regulations governing the Provisional Army of the Confederate States.

By command of the Secretary of War:

JOHN W. RIELY,
Assistant Adjutant-General.

Report of the Committee on Military Affairs.

The committee to whom was referred so much of the President's message of the 13th instant as relates to military affairs beg leave to report that, after careful examination, they find but two measures suggested in the message for recruiting the Army.

First. A law of a few lines repealing all class exemptions.

Second. A general militia law.

The subject of exemptions has been considered by Congress at each session since the organization of the Government under the permanent Constitution, and at every session the classes exempted have been reduced in number and the exemptions in each class limited by additional restrictions.

At the present session the "fifteen-negro" exemption has been repealed, and the number of exemptions and details further reduced and prohibited. While a few class exemptions (principally of preachers, teachers, physicians, and editors) are allowed, on certain conditions, by existing laws, it may be reasonably doubted if any increase

*The act is published in General Orders, No. 15, March 25, 1865, p. 1166.

of the Army would be effected by its repeal and the substitution of an absolute power of detail by the Executive.

The committee, however, were of opinion that the exemptions now allowed might be still further reduced without serious public detriment, and at an early day of the session reported a bill for that purpose, which, after being partially considered, was postponed, with the view to the immediate passage of the "act to diminish the number of exemptions and details," regarded as more efficient for recruiting the Army.

The recommendations of the President to abolish all class exemptions, and to confer upon him alone the unlimited power of detail, presents the question whether the representatives of the people or the Executive shall decide what persons shall constitute the Army in the field and what persons shall remain at home in pursuits indispensable to the vital interests of the country.

Without discussing the policy of subjecting all classes, individuals, and avocations to the exclusive control of the Executive department of the Government, experience has demonstrated that the power of detail as heretofore exercised has afforded more unnecessary immunity from military service than the well-guarded legislation upon the subject of exemptions. The committee entertained the opinion that serious abuses had been developed under the system of detail; that this opinion was general and tended to create "discontent and jealousy in the Army" and in the country, which it was advisable to abate by further limitations of the power.

The second measure recommended by the President and deemed by him "the measure most needed at the present time for affording an effective increase to our military strength is a general militia law." This subject was considered by the committee at an early period of the session, and a bill prepared in pursuance of the recommendations of the President in his regular message. After mature deliberation it was decided that such legislation was unnecessary and inexpedient.

Congress has placed at the disposal of the President all persons fit for military service between the ages of seventeen and fifty, and the committee are unable to understand how it can be expected that the power of defending the country would be increased by the passage of a general militia law embracing persons within those ages.

A minority of this committee were willing to organize the militia of the States, whatever it might consist of, and to authorize the President to call such organizations into the military service of the Confederate States irrespective of State lines, and therefore favored the bill referred to, though they did not consider its passage of prime importance.

As a general proposition it may be confidently stated that the militia organized and employed under State authority embrace more persons than could be made subject to a law of Congress, and are as efficient for State defense as if organized and employed under Confederate authority. The State whose Governor has informed the President "that the law does not permit him to call the militia from one county for service in another" has not adopted any such restriction, except as to persons over the age of forty-five. Such is the restriction, the committee are reliably informed, in the State of Alabama, and it is not believed that this or any similar prohibition exists in any other State. It is unreasonable to suppose that any State would by legislation seriously impair the efficiency of the force relied on for its own defense. The only material change that could be effected by a general

militia law would be to transfer the power to control and employ the persons subject to militia duty from the State to the Confederate authorities, and thereby place it in the power of the President to order the militia of a State to any portion of the Confederacy. The policy of using such persons as might constitute militia under the proposed legislation is more than questionable in view of the fact that the "reserves," under the pressure of the war, are continued indefinitely in the field, and, under a recent act, may be ordered beyond the limits of their respective States. If the militia, also, might be so ordered, the number remaining for local police and State defense, already insufficient for the purpose, would be so far reduced as virtually to deprive the State of all means of self-preservation. It seems manifest that the extension of conscription to persons over the age of forty-five, while it has greatly impaired the productive power of the country and in other respects prejudiced the public service, has been attended by no compensating advantage. And the committee are indisposed to extend an erroneous policy by recommending the adoption of any measure to place other persons over the age of forty-five in the general military service of the Confederate States.

Without enlarging upon the merits of the question, the committee express their conviction that in the failure of Congress to pass a general militia law there is to be found no dereliction of duty; and that notwithstanding the opinion of the President, from which they have dissented with reluctance—that the proposed measure is the one "most needed at the present time for affording an effective increase to our military strength"—they may without arrogance hope to escape the disapproval of the Army and the people. This being the most important omission of duty alleged by the President as to the military legislation of Congress, the committee is not unwilling to assume its share of the responsibility of the failure, and feel no apprehension of prejudice to the cause therefrom. The problem most difficult to solve was how to secure the return to the Army of officers and men absent without leave. The fact made public by the President of the inability of the Government to secure obedience to military obligation of more than one-half of the number enrolled for service in the Army created much disquietude in the public mind, and the expectation may be supposed to have been general that the President would recommend remedial legislation to correct the evil. Information derived from the proper Department, and upon which appropriations are made by Congress in obedience to official estimates, exhibits an Army of about a half million of men. The support of the Army now in the field creates an alarming pressure upon the energies of the Government; the supply of arms and munitions of war is not considered too abundant for present demand, and Congress may at least be allowed to excuse itself for non-action on the line indicated by the President until some satisfactory assurances are given of the ability to control and employ the means long since placed at the disposal of the Executive Department of the Government. Every measure proposed by the President or the General-in-Chief to secure the speedy return of absentees and deserters has been legalized by Congress, and this committee, not satisfied that the measures thus suggested would accomplish the desired result, prepared and reported a bill "most needed at the present time for affording an effective increase to our military strength." This bill, if objectionable in some of its details, yet promised the most valuable results in its general operation, but encountered opposition from the President so decided as to induce the

committee, in deference to his wishes, to abandon the project. But since the President has urged in his late message additional legislation for re-enforcing the Army, and as Congress is alone intrusted with the power of making the laws best calculated to raise, strengthen, and preserve armies, the committee have determined to urge the passage of the bill, with such modifications as may remove objections without destroying the efficiency of the measure.

The committee is constrained to believe that the soldiers in the field who have been true to duty will recognize the inefficiency of existing remedies for the evils of absenteeism and desertion, and will approve as an unavoidable necessity almost any measure calculated to secure the return to service of those whose presence is demanded by the most urgent considerations of the public safety.

In answer to the complaint that Congress had delayed the passage of the "negro soldier" bill until the measure had lost much of its value, the committee suggest the following reasons for the delay:

First. The opinion of the President, expressed in his regular message at the beginning of the present session, that beyond the "limit" of employing slaves as "pioneer" and "engineer" laborers it did not seem to him "desirable, under existing circumstances, to go;" that "the subject is to be viewed by us solely in the light of policy and our social economy;" that "when so regarded" he (the President) "must dissent from those who advise a general levy and arming of the slaves for the duty of soldiers;" that "until our white population shall prove insufficient for the armies we require and can keep in the field," or "the alternative of subjugation" or "the employment of the slave as a soldier" be presented, the President assured the Congress that the policy of arming the slave "would scarcely be deemed wise or advantageous by any."

Second. The equally emphatic statement of the Secretary of War, in his last report, that "his own judgment did not either perceive the necessity or approve the policy of employing slaves in the higher duties of soldiers." Also, that "we had within the military age as large a proportion of our white population as would be required or could be advantageously employed in active military operations."

These solemn avowals of deliberate opinion by the President and his war minister, communicated to Congress and never revoked, changed, or modified in any subsequent message, left Congress in the position of being compelled to override the judgment of these high functionaries upon a subject about which they are presumed to be fully informed and not likely to fall into error, or to delay action until advised of the happening of the contingencies which would justify a resort to the doubtful policy of arming the slaves.

The appeal made by the President for "earnest and cordial co-operation between all departments of the Government" meets with the hearty approval of this committee, and doubtless of Congress. Inability to concur in all the views of the President, or failure to pass, after due consideration, all the measures recommended by him, should not be received as any evidence of an indisposition to co-operate harmoniously with other departments of the Government in earnest efforts to advance the success of our arms and the welfare of our country.

(House of Representatives, March 16, 1865. Read and ordered to be printed.)

(By Mr. Pugh from the Military Committee.)

Mr. Orr, from the select committee, to whom was referred that portion of the message of the President of the Confederate States of the 13th instant relating to the action of Congress during the present session, submitted the following report:*

The select committee, to whom was referred so much of the President's message of the 13th instant as relates to the action of Congress during the present session, having duly considered the same, respectfully submit the following report:

The attention of the Congress is called by the President to the fact that for carrying on the war successfully there is urgent need of men and supplies for the Army.

The measures passed by Congress during the present session for recruiting the Army are considered by the President inefficient; and it is said that the result of the law authorizing the employment of slaves as soldiers will be less than anticipated in consequence of the dilatory action of Congress in adopting the measure. That a law so radical in its character, so repugnant to the prejudices of our people, and so intimately affecting the organism of society should encounter opposition and receive a tardy sanction ought not to excite surprise; but if the policy and necessity of the measure had been seriously urged on Congress by an Executive message legislative action might have been quickened. The President in no official communication to Congress has recommended the passage of a law putting slaves into the Army as soldiers, and the message under consideration is the first official information that such a law meets his approval. Executive message transmitted to Congress on the 7th of November last suggests the propriety of enlarging the sphere of employment of the negro as a laborer, and for this purpose recommends that the absolute title to slaves be acquired by impressment, and as an incentive to the faithful discharge of duty that the slaves thus acquired be liberated with the permission of the States from which they were drawn. In this connection the following language is used: "If this policy should recommend itself to the judgment of Congress, it is suggested that, in addition to the duties heretofore performed by the slave, he might be advantageously employed as pioneer and engineer laborer, and in that event that the number should be augmented by 40,000. Beyond this limit and these employments it does not seem to me desirable, under existing circumstances, to go." In the same message the President further remarks, "The subject is to be viewed by us, therefore, solely in the light of policy and our social economy. When so regarded, I must dissent from those who advise a general levy and arming the slaves for the duty of soldiers." It is manifest that the President in November last did not consider that the contingency had then arisen which would justify a resort to the extraordinary policy of arming our slaves. Indeed, no other inference can be deduced from the language used by him, for he says: "These considerations, however, are rather applicable to the improbable contingency of our need of resorting to this element of resistance than to our present condition." The Secretary of War, in his report under date of November 3, seemed to concur in the opinion of the President, when he said: "While it is encouraging to know this resource for further and future efforts is at our command, my own judgment does not yet either perceive the necessity or approve the policy of employing slaves in the higher duties of soldiers."

At what period of the session the President or Secretary of War considered the improbable contingence had arisen which required a resort to slaves as an element of resistance does not appear by any official document within the knowledge of your committee. Congress might well have delayed action on this subject until the present moment, as the President, whose constitutional duty it is "to give to the Congress information of the state of Confederacy," has never asked, in any authentic manner, for a passage of a law authorizing the employment of slaves as soldiers. The Senate, however, did not await the tardy movements of the President. On the 29th of December, 1864, the following resolution was adopted by the Senate in secret session:

"*Resolved*, That the President be requested to inform the Senate, in secret session, as to the state of the finances in connection with the payment of the troops; the means of supplying the munitions of war, transportation, and subsistence; the condition of the Army, and the possibility of recruiting the same; the condition of our foreign relations, and whether any aid or encouragement from abroad is expected, or has been sought, or is proposed, so that the Senate may have a clear

* From Journal of the C. S. Senate of March 16, 1865.

and exact view of the state of the country, and of its future prospects, and what measures of legislation are required."

In response to this resolution the President might well have communicated to the Senate his views as to the necessity and policy of arming the slaves of the Confederacy as a means of public defense. No answer whatever has been made to the resolution. In addition to this, a joint committee was raised by Congress, under a concurrent resolution adopted in secret session on the 30th of December, 1864. That committee, by the resolution creating it, was instructed, by conference with the President, and by such other means as they shall deem proper, to ascertain what are our reliable means of public defense, present and prospective.

A written report was made by the committee on January 25, 1865, and although it had a conference with the President no allusion is made in the report to any suggestion by him that the necessities of the country required the employment of slaves as soldiers. Under these circumstances Congress, influenced no doubt by the opinion of General Lee, determined for itself the propriety, policy, and necessity of adopting the measure in question.

The recommendations of the President to employ 40,000 slaves as cooks, teamsters, and as engineer and pioneer laborers was assented to, and a law has been enacted at the present session for the purpose, without limit as to number.

All the measures recommended by the President to promote the efficiency of the Army have been adopted, except the entire repeal of class exemptions, and some measures not suggested by him, such as the creation of the office of General-in-Chief, were originated and passed by Congress, with a view to the restoration of public confidence and the energetic administration of military affairs.

On the subject of exemptions the President in his message of November 7 uses the following language: "No pursuit or position should relieve any one who is able to do active duty from enrollment in the Army, unless his functions or services are more useful to the defense of his country in another sphere. But it is manifest that this cannot be the case with entire classes. All telegraph operators, workmen in mines, professors, teachers, engineers, editors and employés of newspapers, journeymen printers, shoemakers, tanners, blacksmiths, millers, physicians, and numerous other classes mentioned in the laws cannot in the nature of things be either equally necessary in their several professions, nor distributed throughout the country in such proportions that only the exact numbers required are found in each locality," &c.

The casual reader would infer that the laws, as they stood at the date of the message, exempted the classes enumerated by the President, as well as many other classes not mentioned by him. Such is not the fact. The only class exemptions allowed by the laws then in force were the following: Ministers of religion; superintendents and physicians of asylums for the deaf, dumb, and blind, and of the insane; one editor for each newspaper, and such employés as the editor may certify on oath as indispensably necessary; the public printers of the Confederate and State governments, and their journeymen printers; one skilled apothecary in each apothecary store, who was doing business as such on the 10th of October, 1862; physicians over thirty years of age, and for the last seven years in practice; presidents and teachers of colleges, seminaries, and schools, and the superintendents, physicians, and nurses in public hospitals; certain mail contractors and drivers of post coaches; certain officers and employés of railroad companies, and certain agriculturists or overseers.

Officers of the State governments are not properly included among the exempted classes, because it is conceded that Congress has no constitutional power to conscribe them as soldiers. Nor are Dunkards, Quakers, or other non-combatants regarded as belonging to class exemptions, because, under the act of June 7, 1864, the exemption of these persons is subject to the control of the Secretary of War. The exemption of agriculturists or overseers between the ages of eighteen and forty-five has been repealed at the present session. Tanners, shoemakers, millers, blacksmiths, telegraph operators, and workmen in mines, enumerated by the President as among the classes exempted, are not now and have not been since the passage of the act of February 17, 1864, exempted as a class. If railroad officers and employés and State officers, who are not constitutionally subject to conscription, be excluded, the classes now exempted east of the Mississippi River embrace about 9,000 men, one-third of whom are physicians, and nearly another third are ministers of the gospel; the remaining third is principally composed of teachers, professors, printers, and employés in newspaper offices and apothecaries.

In remarkable contrast to the number of persons relieved from military service by the exemptions above mentioned, the report of the Conscript Bureau exhibits the fact that east of the Mississippi River 22,035 men have been detailed by Executive authority. In consequence of this abuse of the power of detail, Congress at its present session passed an act revoking all details and limiting the

exercise of that power in the future. The third section of this act, exempting skilled artisans and mechanics from all military service, which is excepted to by the President and which has since been repealed, was originally adopted in consequence of suggestions contained in the report of the Secretary of War. In alluding to the embarrassments encountered by the administrative bureaus, the Secretary says: "In addition they have been constrained, by the stringent legislation of Congress, to relinquish their most active and experienced agents and employés and substitute them from more infirm and aged classes." Again: "Interferences of this kind are inevitably so prejudicial and disturbing that it is hoped a well-devised and permanent system of providing and retaining in continuous employment a sufficient number of artisans, experts, and laborers for all essential operations may be devised and established." The truth is that the bill originally introduced into the Senate exempting skilled artisans and mechanics was actually prepared in one of the bureaus of the War Department. Congress, therefore, had reason to suppose that it would meet the sanction of the Executive.

To conscribe the ministers of religion and require them to obtain details to preach the gospel would shock the religious sentiment of the country and inflict a greater injury on our cause than can be described. The conscription of editors and of the printers necessary to the publication of newspapers would destroy the independence of the press, and subject it to the control of the Executive Department of the Government. Railroad officers and employés are as necessary to the prosecution of the war as soldiers in the field. Physicians and apothecaries are essential to the health of the people, and no complaint has reached Congress of abuses of this class of exemptions. If the education of youth be regarded as conducive to maintenance of society and the preservation of liberty, it is not perceived that the exemption of professors of colleges and teachers of schools can be justly censured. The Senate passed a bill containing a section repealing the exemption allowed to mail contractors and drivers of post coaches; but at a subsequent stage of proceedings, and on the recommendation of a committee of conference, based on the urgent remonstrances of the Postmaster-General, the section alluded to was stricken out.

The subject of class exemptions was called to the attention of Congress by the Executive message of November last. It was carefully considered, and an act was passed expressive of the views of the legislative department of the Government. The message under consideration recurs to the same subject. It is to be regretted that the views of the legislative department of the Government have not met the favor of the Executive, and that he should deem it both necessary and proper to express dissatisfaction with the matured opinion of Congress.

It is true that Congress has failed to respond to the recommendation of the President to enact a general militia law. The subject was considered, and the failure to act was the result of deliberation. The conscription laws enacted by Congress have placed in the military service of the country all its able-bodied citizens between the ages of seventeen and fifty. The whole military material of the country, so far as legislation is concerned, is absorbed by the conscription acts. There is none left on which a militia law can operate, except the exempted classes and the boys under seventeen and the men over fifty years of age. It was deemed expedient to allow this material to remain subject to the control of the State authorities for the purposes of local police to aid in the arrest of deserters and to enforce the administration of State laws.

It is also true that the President has recommended the passage of a law suspending the privilege of the writ of habeas corpus. This recommendation was the subject of a special message in secret session. It occupied the attention of Congress for four or five weeks. After mature deliberation the measure was laid aside as unimportant and inexpedient. Spies can be arrested and tried summarily without suspending the writ of habeas corpus. Conspiracies, tending in any manner to the injury of our cause, were provided for by a special act passed at the present session "to define and punish conspiracy against the Confederate States." The States of North Carolina, Georgia, and Mississippi had expressed, through their Legislatures, great repugnance to the past legislation of Congress suspending the writ, and a large portion of the people throughout the country was arrayed against the policy of that legislation. It was deemed wise and prudent to conciliate opposition at a time when dissensions are ruinous; and as the benefits to be derived from the suspension of the writ were conjectural the deliberate judgment of Congress was expressed by its silence on the subject. It is to be regretted that the Executive does not concur in these views, and again calls on Congress to revise its action and to suspend the writ of habeas corpus as a measure "almost indispensable to the successful conduct of the war." If the facts stated in the confidential message alluded to by the President be the basis of the opinion that the suspension of the writ "is indispensable to the successful

conduct of the war," the Congress does not concur in that opinion. The writ has not been suspended since August last. It is not perceived that the military reverses of the country since that period were occasioned by the absence of the legislation asked for.

In regard to impressments, Congress at the present session has passed a bill declaring that the terms "just compensation," as used in the Constitution, entitle the owner whose property is impressed to the market value thereof at the time and place of impressment. This legislation was considered necessary in consequence of judicial decisions in some of the States and because of the difficulty of procuring supplies on any other terms. Indeed, it was supposed that the Executive had reached the same conclusion, as the Commissary-General, on the 20th of December. 1864, had advertised that he would pay for supplies the price fixed by local appraisement, which is in fact the market price. The President in his annual message of November last did not call the attention of Congress to any difficulties attendant on the execution of the impressment laws. The present message, for the first time during this session, suggests modifications of those laws, and the recommendations of the President will doubtless receive the respectful consideration of Congress. It may well be doubted, however, whether the present specie value, payable in the future, will induce the owner of property to part with it, and whether the passage of such a measure would not result in a general concealment of provisions and consequent starvation of the Army.

It is apprehended by the President that some degree of embarrassment in the management of the finances will be felt in consequence of the inadequate provision made by Congress; and it is intimated that some of the measures recommended by him were so retarded as to lose much of their value, and others, after being matured, were for the same reason abandoned because no longer applicable to our altered condition. The only financial measure abandoned after being matured was the currency bill recommended by the Secretary of the Treasury and indorsed by the President in his annual message. It may be remarked that the failure to enact any fiscal measure which has not sufficient vitality to render it valuable and applicable for the short period of four months does not deserve much regret. The currency bill was recommended to Congress, and based on the condition the finances presented by the President in his message and by the Secretary of the Treasury in his report. It was abandoned without regret because, at the subsequent period of the session, it was ascertained that the arrears of public debt constituting cash demands on the Treasury exceeded by nearly $400,000,000 the amount originally reported to Congress by the Secretary of the Treasury. The currency bill contemplated the reduction of the currency to $150,000,000 by a conversion of the Treasury notes into tithe certificates, payable after the war, and by annual application of a portion of the taxes, in a nature of a sinking fund. The Treasury notes received for tithe certificates were to be canceled. The military reverses, which impaired the credit of the Government to such an extent as to destroy the salability of any of its bonds, left little hope that Treasury notes would be exchanged for tithe certificates. As soon as the enormous increase in the arrears of debt was discovered as above mentioned, all idea of reducing the currency was abandoned as impracticable. For these reasons the committee of conference having charge of the currency bill agreed to abandon it as a useless pledge of future resources without corresponding present advantage. Indeed, if the bill had been passed the first day of the session it would have expired from inanition on the 9th of January, 1865, the day on which the Secretary of the Treasury reported to Congress the deficit of $400,000,000, and recommended an increase of taxation to meet it.

The tax bill is regarded by the President as liberal, though inadequate. No nation on earth ever conducted a protracted war by resources derived from taxation alone. The message intimates a regret that the recommendation, by the Secretary of the Treasury, of a tax on agricultural incomes equal to the augmented tax on other incomes, payable in Treasury notes, was rejected by Congress. This is evidently a mistake, as it assumes there has been an increase of taxes on other than agricultural incomes. The present income taxes are those laid by the act of April, 1863, as amended and re-enacted on 17th of February, 1864. To require the agriculturist to pay a tax on the income derived from his farm, in addition to the one-tenth of his gross productions, and the property tax of 9 per cent. ad valorem, would be manifestly unjust and oppressive. After the delivery of his tithe, to tax the income of the agriculturist derived from the property producing the tithe would leave little for family subsistence, for the purchase of supplies necessary for carrying on his agricultural operations, and for the payment of the ad valorem tax on his property. Congress, therefore, did not concur in the recommendation of the Secretary of the Treasury, believing it to be highly inexpedient.

The recommendations of the Secretary of the Treasury have in the main received the approbation of Congress and every disposition has been manifested to co-operate with him. The tax bill adopted very nearly approximates the rate desired by him. He recommended 10 per cent. on property. Congress has imposed a tax of 9 per cent. A new foreign loan was authorized in secret session, at his request, without any limitation on his authority except as to the amount. A transfer of certain sterling funds abroad was by joint resolution directed to be made from the Navy to the Treasury. Efforts were made to raise specie. A bill was passed in the Senate, in secret session, to accomplish that object by the sale of certain licenses. It is understood the bill was defeated in the House of Representatives by the acquiescence, if not at the instigation, of the Secretary of the Treasury. It appears from the correspondence submitted to Congress that the Secretary of War, as early as the 18th of February, notified the President of the embarrassed condition of his Department, and it is to be regretted that the Executive deliberated on and postponed for so long a period as nearly twenty days the communication of that information to Congress.

If loss of time be a vice inherent in deliberative assemblies, promptitude is a great virtue in Executive action. There is every disposition on the part of Congress to comply with the recommendations of the President, and some means of raising the coin desired will no doubt be devised. It is unfortunate that the necessity for coin in the Commissary Department was not made known until the message under consideration was received. The use of coin in one department of the Government is calculated to superinduce the necessity for its use in all other departments; and hence the policy of the proposed measure, in a financial view, is very questionable. The necessity for supplies, however, overrides all other considerations. If practicable, it would be wiser to employ the specie in the purchase of Treasury notes, and then use the notes to obtain supplies.

Nothing is more desirable than concord and cordial co-operation between all departments of Government. Hence, your committee regret that the Executive deemed it necessary to transmit to Congress a message so well calculated to excite discord and dissension. But for the fact that the success of the great struggle in which the country is engaged depends as much on the confidence of the people in the Legislative as in the Executive department of the Government the message would have been received without comment. Your committee would have preferred silence. It has been inducive to an opposite course, because they believe Congress would be derelict in its duty to permit its legitimate and constitutional influence to be destroyed by Executive admonitions, such as those contained in the message under consideration, without some public exposition of its conduct.

The Senate proceeded to consider the said report, and resolved that they concur therein.

[MARCH 16, 1865.—For Governor of Virginia to President Davis, transmitting joint resolution of the Legislature of Virginia in relation to the employment of negroes as soldiers (passed March 6, 1865), see Series I, Vol. XLVI, Part III, p. 1315, and for resolutions on the same subject, adopted March 4, 1865, see Series I, Vol. LI, Part II, p. 1068.]

GENERAL ORDERS, No. 10. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 17, 1865.*

I. The attention of officers and soldiers is again called to the regulations (reiterated in General Orders, No. 3, of 1863, and paragraph I, General Orders, No. 78, of 1864, from this office) respecting military correspondence. Communications from the Army on official business, addressed to civilians at the seat of government, have become so frequent as seriously to interfere with the efficient conduct of the several bureaus of the War Department. Officers and soldiers who violate orders in this respect will be promptly placed in arrest and brought to trial.

II. A moderate price will be paid by the Ordnance and Quartermaster's Departments for such stores and animals as deserters, who clearly establish the fact of their desertion, may bring with them into our lines.

III. The following act of Congress, revoking paragraph VIII, General Orders, No. 42, of 1864, is published for the information of the Army:

AN ACT supplemental to an act entitled "An act to organize forces to serve during the war.

The Congress of the Confederate States of America do enact, That nothing in said recited act contained shall be construed to discharge from military service persons over the age of forty-five or under eighteen years, who are now in the Army of the Confederate States.

Approved February 17, 1864.

Injunction of secrecy was removed from this act by a resolution of the House of Representatives, passed January, 1865.

IV. All non-commissioned officers and privates detailed because of disability will be examined monthly, when those found fit for field duty will be immediately turned over to the commandant of the post at which they are employed, to be returned to their commands. This is not intended to apply to those "retired" under the act to provide an Invalid Corps.

V. Conscripts assigned to light duty will be examined every three months, when those found equal to field duty will be turned over to the enrolling authorities for assignment to commands in the field.

VI. In places where hospital medical boards are located they will make the examination; at other places they will be made by conscript boards.

VII. Monthly reports of all men found fit for field duty, and sent in accordance with these instructions to the field, will be transmitted by the boards, through the Surgeon-General, to the Adjutant and Inspector General.

VIII. Notices of all detailed soldiers returned to duty with their commands will be forwarded by the Medical Board to company commanders.

IX. The examination referred to in paragraphs IV, V, and VI, of this order, will be made by the medical boards at the posts where the men are employed. Their failure to make such examinations will be reported by the post commanders to the Adjutant and Inspector General.

X. Where soldiers in hospitals are transferred to other hospitals, surgeons in charge will put them in charge of the officer of the train guard of the railroad upon which they are sent, who will be responsible for their delivery to the officer of the train guard of the next connecting railroad en route, or to the surgeon in charge of the hospital to which they are transferred.

XI. Persons arriving at the age of eighteen years of age, and all others in the reserve forces not disabled for active duty, who are within the conscript ages, will be turned over to enrolling officers for assignment to companies in the general service. The fact of their holding commissions does not preclude the operation of this order. Generals of reserves and inspectors are required to enforce this order.

XII. Paragraph I, General Orders, No. 81, of 1864, is hereby revoked.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *March 17, 1865.*

THE HOUSE OF REPRESENTATIVES OF THE CONFEDERATE STATES OF AMERICA:

I return without my approval an act which originated in your honorable body, entitled "An act to provide for the payment of arrears now due to the Army and Navy."

I have been led to believe that this act was passed in haste and without due consideration, and that some members who voted for it desire an opportunity for reconsidering their action.

The act provides for additional issue of Treasury notes to an amount not exceeding $80,000,000, to be used in payment of all arrears of pay and allowances due to persons in the military and naval service of the Confederate States; these notes "to be regarded in all respects as Treasury notes issued by virtue of the act to reduce the currency and authorize a new issue of notes and bonds, approved February 17, 1864."

The objections to this legislation are, in my judgment, manifold and grave.

First. The act of February 17, 1864, levied a tax on the Treasury notes then outstanding far exceeding that levied on any other species of property, and which could only be justified by the consideration that the additional contribution thus exacted from the holders of these public credits would be compensated in whole or in part by the increased value of the new currency which was issued for the old at the rate of $2 of the former for $3 of the latter. The act revoked all authority theretofore given to issue Treasury notes, and it was generally if not universally considered that the provisions of that law constituted an implied pledge of the faith of the Government that no further issues of notes should be made than those therein provided for. It would be scarcely consistent to take from the holder one-third of the nominal amount of the currency in hand for the purpose of reducing the currency as set forth in the title of the law; to unite with this exaction a previous authority to issue notes, and afterward to provide for an expansion of the currency in opposition to the principles of the act of February 17, 1864, to the evident detriment of the holders of the currency under that act.

Second. Independently of the objection just stated, the effect of a new issue of Treasury notes would be disastrous. The passage of the law would be accepted as a proof that there is no limit to the issue of Treasury notes except the pleasure of the Government, and the people will be persuaded that whenever an emergency arises it will be met by additional issues of paper money. Such a conviction, once rooted in the popular mind, could not be eradicated, and the depreciation of the notes in circulation would increase so rapidly as effectually to destroy the whole value of what is outstanding and leave the country without a circulation and the Government without credit.

Third. The bill, although intended by Congress for the benefit of the Army, to which we all acknowledge the most sacred obligations of justice and gratitude, would have an effect the reverse of that designed. It would despoil the soldier, instead of paying him. If money be raised by taxation for paying arrears due the Army, the demand thus created for the notes enhances the value and enables the public creditor who receives them to make them available for the purchase of what he needs. If, on the contrary, the soldier is to have his claim extinguished by the simple process of printing more paper money,

and thus diminishing its value below even its present depreciation, his claims for his arrears of pay will have been practically repudiated instead of being paid. Justice to the soldier prompted Congress to pass this bill. The same motive induces me to withhold my approval of it; and if my objections shall appear to you well founded, when your attention is drawn to the supposed consequences that would result from this legislation, I am persuaded that you will concur in my opinion that it ought not to be adopted.

Fourth. There is a mechanical difficulty in the execution of the law of which Congress was not aware, and which under any circumstances would render the bill unavailing for its intended purpose of prompt payment of the arrears due the Army.

The removal of the Treasury Note Bureau from Columbia, the time required for re-establishing it with its machinery at another locality and for preparing Treasury notes for the $50,000,000 or $60,000,000 remaining for issue under existing laws, together with other causes which it is unwise to relate, would prevent the issue of the notes provided for in this bill for at least three months to come.

It is gratifying to assure you of my belief that the receipts from the tax bill just passed, together with other resources within reach of the Treasury, will enable the Government to pay the arrears due to the Army and Navy sooner than the additional notes contemplated by the bill could be issued, and that the proposed increase of currency can thus be avoided without causing delay in satisfying the just claims of the defenders of our country.

JEFFERSON DAVIS.

AN ACT to raise coin for the purpose of furnishing necessary supplies for the Army.

The Congress of the Confederate States of America do enact, That in order to procure the means of purchasing supplies for the Army, the Secretary of the Treasury, under the direction of the President, be, and he is hereby, authorized to borrow from any bank, banking company, corporation, association, or person, any sum or sums in coin, not to exceed three millions of dollars in the aggregate, and to secure the repayment of any sum or sums so borrowed at such time as may be agreed upon, not to exceed two years after the ratification of a treaty of peace between the Confederate States and the United States, to cause to be issued bonds of the Confederate States, in such convenient sums as may be agreed upon, payable in coin, and to bear interest at the rate of six per cent. per annum, payable semi-annually in specie; and to secure the repayment of any sum or sums so borrowed, with the interest thereon, the said Secretary be further authorized and empowered to pledge in such legal form as may be agreed upon, any cotton or tobacco owned by the Government, to the extent in value of any such loan so obtained, or the proceeds thereof, when sold, or to convey such cotton and tobacco, or any part thereof, in absolute payment of such loan, with the right on the part of the lender of such coin to export or transport such cotton and tobacco beyond the limits of the Confederate States, free from any molestation on the part of the authorities of the Confederate States, or the payment of any duty, except to the extent of one-eighth per cent. now imposed by law.

Sec. 2. In the event of the Secretary of the Treasury shall not be able at once to obtain coin to the amount of three millions of dollars under

the provisions of the first section of this act, then, and in that event, a tax shall be levied and collected of twenty-five per cent. upon the amount of all gold and silver coin, gold dust and bullion, and foreign exchange in the Confederate States, payable in kind, which tax shall be due and collected on the first day of April next, or as soon thereafter as possible: *Provided*, That the above tax shall not be levied upon the gold or silver coin, gold dust and bullion, and foreign exchange owned or possessed by any person when the amount so owned or possessed shall not exceed two hundred dollars in value, nor shall the said tax be levied on gold or silver coin, gold dust, bullion, or foreign exchange which, within thirty days after the passage of this act, shall be lent to the Government under the provisions of the first section of this act; nor upon the gold or silver coin, gold dust, bullion, or foreign exchange of any person who has made a loan to the Government according to the said first section, of not less than twenty-five per cent. of the gold or silver coin, gold dust, bullion or foreign exchange owned and possessed by such person at the time of the passage of this act; and if any State of the Confederacy borrows from any bank coin or bullion and lends it to the Confederate Government, the bank that lends said coin or bullion shall be allowed a credit against this tax to the extent of such loan: *And provided also*, That the delay of thirty days mentioned in this section shall be extended to one hundred and twenty days for all portions of the Confederacy beyond the Mississippi River.

Sec. 3. That the limitation of three millions of dollars, as expressed in the first section of this act, shall not be construed to prohibit the Secretary of the Treasury from receiving a greater amount, offered as loans or accruing on taxes under this act: *Provided*, That the tax imposed by the provisions of this act upon gold and silver coin, gold and silver bullion, gold dust, and foreign exchange, when paid, or the amount thereof loaned in pursuance of the first and second sections of this act, shall be in lieu of all other taxes imposed on the same articles by any other act: *Provided further*, That the tax of twenty-five per cent. levied by the second section of this act shall be in lieu of all other taxes imposed on the same article by any other act, and the tax imposed by this act shall be assessed as at the date of the passage of this act.

Approved March 17, 1865.

A true copy.

JAMES M. MATTHEWS,
Law Clerk.

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,
Raleigh, March 17, 1865.

Hon. JOHN C. BRECKINRIDGE,
Secretary of War, Richmond, Va.:

DEAR SIR: I have been informed that certain communications, of the utmost importance to the cause of the Confederacy, have been submitted to Congress in secret session by the President and the several heads of departments. I have also been informed that their nature was such as to render it entirely proper, and indeed rightful, that I, as Governor of North Carolina, should be informed of their contents. I have, therefore, the honor to most respectfully request a copy of said papers, if not deemed inconsistent with the public good,

and have sent the bearer, Maj. James H. Foote, assistant adjutant-general of North Carolina, a discreet and loyal gentleman, to receive them, should you deem it advisable to comply with my request.

I am, sir, very respectfully and truly, your obedient servant,

ZEBULON B. VANCE.

GENERAL ORDERS, No. 11. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 18, 1865.*

I. Cadets in the Confederate service will hereafter be examined for promotion to the grade of commissioned officers by boards composed of artillery, cavalry, and infantry officers, on the following subjects, to wit:

First. The reading and writing of the English language. The examination on this subject will consist of reading aloud to the Board a page or two of some author, and then writing a few dictated paragraphs to test correctness in spelling.

Second. The use of figures, embracing the ground rules of arithmetic, including fractions, the extraction of the square root, and the use of logarithms.

Third. Algebra, so far as to embrace simple and quadratic equations.

Fourth. The principles of geometry, including (say) the first eight books of Legendre's treatise.

Fifth. Plane trigonometry.

Sixth. Mensuration of surfaces and solids.

Seventh. The elements of surveying, with a view to test the capacity of each to determine distances trigonometrically, to locate lines on the ground, and to lay down given figures for encampments, &c.

Eighth. For artillery cadets alone, the elements of mechanics.

(The examination on all the foregoing subjects should be more rigid for those desiring to enter the artillery than for the officers of cavalry or infantry.)

Ninth. Tactics: artillery, cavalry, and infantry.

The cadets designed for the artillery service will be examined rigidly on artillery tactics and upon the general principles of cavalry and infantry tactics. Cadets designed for the cavalry will be examined strictly on cavalry tactics and on the general principles of infantry; cadets for infantry service strictly on infantry tactics and the duties of company officers.

II. The boards of examiners will be detailed from the most competent officers of each arm, serving with armies in the field or in the departments, by the generals commanding, respectively; and the particulars of the examinations, with the findings and recommendations of the boards, will be forwarded, through the prescribed channels, to the office of the Adjutant and Inspector General. A similar board will be organized at the seat of government for the examination of such cadets as may present themselves.

III. Cadets will be notified in advance of the subjects on which they will be examined, and they will be allowed three months prior to the examination for preparation.

IV. The boards of examiners will adopt a coefficient for the requirements to be demanded of each cadet, varying with his general merit as established by the reports of officers with whom he has served and the arm of service to which he belongs. The more the merit, as thus

established, and the less scientific the arm, the less should be the imperative requirements and the smaller the coefficient.

V. Cadets will be required, before examination, to have served in companies in the several arms of service (artillery, cavalry, or infantry) as required by law.

By order:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS RESERVE FORCES OF VIRGINIA,
Richmond, March 20, 1865.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I respectfully suggest the necessity of some such general order as that proposed in the inclosed paper in order to preserve the organization of the reserve forces. The first paragraph is intended to bring into service many youths who are at home, protected from duty with the reserve forces by paragraph III, General Orders, No. 33, series of 1864, as members of home guard or local defense companies. These companies are governed by by-laws of their own making; many of them never assemble or perform any service, and none are called out except to repel raids in their own vicinity. It is not right that these able-bodied youths between seventeen and eighteen years of age should be thus virtually excepted from military duty while all others of like age and condition are held to the continuous performance of arduous field service, and the fact excites just dissatisfaction among the Junior Reserves. The second paragraph of the proposed order is suggested in order to secure to the reserve forces youths who legally belong to the organization and are indispensable to its maintenance, but are escaping service therein. The reserve forces are all organized as infantry, at least in this State, and as such are being held to regular service in the field. General Orders, No. 75, series of 1864, virtually makes them an integral part of the regular forces. The boys, being generally averse to infantry service, volunteer, in their eagerness to avoid it, in the cavalry and artillery of the regular forces. There is no order of the War Department to prevent them from thus volunteering upon attaining the age of seventeen years, and many of them, to avoid apprehended difficulty, enlist in the regular forces a few days before becoming seventeen years old. The act of February 17, 1864, obviously designed that all youths upon becoming seventeen should be enlisted in the reserve forces and retained therewith until eighteen years old. Moreover, the reserve organization cannot be maintained. It will in a short time become extinct unless such youths as a class are enlisted and firmly held in its ranks. All are now transferred to the regular forces upon becoming eighteen, while comparatively few youths are secured to the reserves upon becoming seventeen. The prospect is equally unpromising in respect to the Senior Reserves. The courts discharge them upon reaching the age of fifty, while not a man is transferred from the active to the reserve forces upon becoming forty-five. The loss of men from the reserve forces is therefore constant and considerable, while the acquisitions are precarious and scanty, and the enforcement of existing orders a short time longer must extinguish the organization.

In this connection I respectfully ask that the Honorable Secretary of War will reconsider his decision vacating the commissions of all

officers of the Junior Reserve class upon attaining the age of eighteen. I only ask authority to retain such of these junior officers as prove especially efficient and valuable with the reserves. Probably not more than twenty of such officers would be thus retained in Virginia. Their experience and peculiar fitness give efficiency to whole battalions of reserves, and cannot be replaced. Their enlistment as privates in the Regular Army would be no appreciable addition to its strength.

I cannot close this communication without asking attention to the views I have often urged before in favor of changing the orders which hold the reserves to regular field service so as to appropriate them to the business of conscription and to local defense and special service. Composed as the reserves are of old men and boys (the one class with declining and enfeebled, the other with immature, physical powers), it is vain to expect they can endure the hardships of continuous field service, and experience shows that a short term of such service disorganizes them. The Senior Reserves are especially unfit for such service. They are generally important business men at home, having estates, families, and numerous dependents. They are the valuable producers of the country. Their withdrawal from home seriously lessens production, defeats every arrangement for the proper supply of soldiers' families, dissatisfies their sons in the army, as well as all soldiers having unprovided families, and is the potent cause of much of the demoralization and desertion among the regular forces. They generally have the incipient infirmities of age, cannot stand either drilling or marching, are always deeply discontented, and sometimes mutinous on account of the grievous sacrifices which a separation from their homes involves. They are, for all these causes, the least effective troops, and when tried at hard service in the field under our most experienced and judicious commanders, they melt away like frostwork under the sun. Of four battalions tried in the trenches before Richmond, four-fifths of the men disappeared in three months by reason of death, disease, and desertion. Moreover, the business of conscription cannot be properly done, the country can never be cleared of the banded deserters who now prowl over it, until the reserve forces are allowed to be used for the purpose.

Very respectfully, general, your obedient servant,

J. L. KEMPER,
Major-General.

[Indorsement.]

WAR DEPARTMENT,
March 22, 1865.

To Adjutant-General for consideration and remarks.
By command of the Secretary of War:

SAML. W. MELTON,
Assistant Adjutant-General.

[Inclosure.]

I. Men of the reserve class will not be allowed to enroll themselves in companies for local defense and special service unless found by the medical boards to be unfit for field service, and men of the reserve class, fit for field service and not specially detailed, who belong to such companies, will be forthwith transferred therefrom to the reserve forces. Paragraph III, General Orders, No. 33, series of 1864, is revoked.

II. Youths under eighteen years of age are forbidden to be received into companies in the regular service, unless assigned thereto by order of the generals of reserves.

GENERAL ORDERS, No. 12. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 21, 1865.*

I. To check the sale of military clothing by soldiers the attention of the Army and of citizens is called to the following extract from the act of Congress approved January 22, 1864:

> Any person not subject to the Rules and Articles of War who shall * * * purchase from any soldier or person enrolled for service any portion of his clothing * * * or any property belonging to the Confederate States, shall, upon conviction before the district court of the Confederate States having jurisdiction of the offense, be fined not exceeding $1,000 and be imprisoned not exceeding two years.

II. It is made the especial duty of all officers to cause citizens or negroes violating this law to be arrested and brought before a magistrate for trial. Soldiers guilty of the offense will be returned under guard to their commands, with a report of the evidence to sustain the charge.

III. A reward of $100 will be paid by the nearest post quartermaster, on the conviction of any citizen or negro violating this law, to the person who furnished the information that led to his arrest and conviction.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *March 22, 1865.*

J. D. SHAW, Esq.,
Greenwood, Carroll County, Miss.:

MY DEAR SIR: A pressure of business has prevented me from replying sooner to your letter of September last. Your proposition in regard to negotiating with European powers respecting the slavery question has been attentively considered. There would be difficulty, however, in carrying it into effect. In the first place, the Confederate Government can make no agreement or arrangement with any nation which would interfere with State institutions, and if foreign Governments would consent to interpose in our behalf upon the conditions stated, it would be necessary to submit the terms to the different States of the Confederacy for their separate action.

It cannot be doubted that the obstacle to the recognition of the Confederacy has been an unwillingness to be embroiled in a quarrel with the United States. If slavery or any other cause had been the impediment, our advances to European Governments would have led to the disclosure of their reasons for not acknowledging our independence. As soon as these Governments are willing to negotiate with us upon terms to which we can honorably accede, the declaration of their conditions will probably be made known to our commissioners so that the terms proposed may be submitted to the people, States, and Government of the Confederacy.

With much regard, I remain, very respectfully and truly, yours,
JEFFERSON DAVIS.

GENERAL ORDERS, No. 14. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 23, 1865.*

I. The following act of Congress and regulations are published for the information and direction of all concerned:

AN ACT to increase the military force of the Confederate States.

The Congress of the Confederate States of America do enact, That, in order to provide additional forces to repel invasion, maintain the rightful possession of the Confederate States, secure their independence, and preserve their institutions, the President be, and he is hereby, authorized to ask for and accept from the owners of slaves, the services of such number of able-bodied negro men as he may deem expedient, for and during the war, to perform military service in whatever capacity he may direct.

SEC. 2. That the General-in-Chief be authorized to organize the said slaves into companies, battalions, regiments, and brigades, under such rules and regulations as the Secretary of War may prescribe, and to be commanded by such officers as the President may appoint.

SEC. 3. That while employed in the service the said troops shall receive the same rations, clothing, and compensation as are allowed to other troops in the same branch of the service.

SEC. 4. That if, under the previous sections of this act, the President shall not be able to raise a sufficient number of troops to prosecute the war successfully and maintain the sovereignty of the States and the independence of the Confederate States, then he is hereby authorized to call on each State, whenever he thinks it expedient, for her quota of 300,000 troops, in addition to those subject to military service under existing laws, or so many thereof as the President may deem necessary to be raised from such classes of the population, irrespective of color, in each State, as the proper authorities thereof may determine: *Provided*, That not more than twenty-five per cent. of the male slaves between the ages of eighteen and forty-five, in any State, shall be called for under the provisions of this act.

SEC. 5. That nothing in this act shall be construed to authorize a change in the relation which the said slaves shall bear toward their owners, except by consent of the owners and of the States in which they may reside, and in pursuance of the laws thereof.

Approved March 13, 1865.

II. The recruiting service under this act will be conducted under the supervision of the Adjutant and Inspector General, according to the regulations for the recruiting service of the Regular Army, in so far as they are applicable, and except when special directions may be given by the War Department.

III. There will be assigned or appointed for each State an officer who will be charged with the collection, enrollment, and disposition of all the recruits that may be obtained under the first section of this act. One or more general depots will be established in each State and announced in orders, and a suitable number of officers will be detailed for duty in the staff departments at the depots. There will be assigned at each general depot a quartermaster, commissary, and surgeon, and the headquarters of the superintendent will be at the principal depot in the State. The proper officers to aid the superintendent in enlisting, mustering, and organizing the recruits will be assigned by orders from this office or by the General-in-Chief.

IV. The enlistment of colored persons under this act will be made upon printed forms, to be furnished for the purpose, similar to those established for the regular service. They will be executed in duplicate, one copy to be returned to this office for file. No slave will be accepted as a recruit unless with his own consent and with the approbation of his master by a written instrument conferring, as far as he may, the rights of a freedman, and which will be filed with the superintendent. The enlistments will be made for the war, and the

effect of the enlistment will be to place the slave in the military service conformably to this act. The recruits will be organized at the camps in squads and companies, and will be subject to the orders of the General-in-Chief under the second section of this act.

V. The superintendent in each State will cause a report to be made on the first Monday of every month showing the expenses of the previous month, the number of recruits at the various depots in the State, the number that has been sent away, and the destination of each. His report will show the names of all the slaves recruited, with their age, description, and the names of their masters. One copy will be sent to the General-in-Chief and one to the Adjutant and Inspector General.

VI. The appointment of officers to the companies to be formed of the recruits aforesaid will be made by the President.

VII. To facilitate the raising of volunteer companies, officers recruiting therefor are authorized to muster their men into service as soon as enrolled. As soon as enrolled and mustered, the men will be sent, with descriptive lists, to the depots of rendezvous, at which they will be instructed until assigned for service in the field. When the organization of any company remains incomplete at the expiration of the time specified for its organization, the companies or detachments already mustered into service will be assigned to other organizations at the discretion of the General-in-Chief.

VIII. It is not the intention of the President to grant any authority for raising regiments or brigades. The only organizations to be perfected at the depots or camps of instructions are those of companies and (in exceptional cases where the slaves are of one estate) of battalions consisting of four companies, and the only authority to be issued will be for the raising of companies or the aforesaid special battalions of four companies. All larger organizations will be left for future action as experience may determine.

IX. All officers who may be employed in the recruiting service, under the provisions of this act, or who may be appointed to the command of troops raised under it, or who may hold any staff appointment in connection with them, are enjoined to a provident, considerate, and humane attention to whatever concerns the health, comfort, instruction, and discipline of those troops, and to the uniform observance of kindness, forbearance, and indulgence in their treatment of them, and especially that they will protect them from injustice and oppression.

By order:

S. COOPER,
Adjutant and Inspector General.

HEADQUARTERS RESERVE FORCES, MISSISSIPPI,
Enterprise, March 24, 1865.

General S. COOPER,
Adjutant and Inspector General,
Adjutant and Inspector General's Office, Richmond, Va.:

GENERAL: Soon after the decision of Chief Justice Handy, of the high court of errors and appeal of the State of Mississippi, in the case brought before him under writ of habeas corpus of Simmons to test the right of Governor Clark to accept into the volunteer service of

the State men of the ages between eighteen and forty-five years (an official copy of which I had the honor to forward for your information), Governor Clark offered to turn over the State troops to the Confederate Government with their organization, officers, and men. Having no authority to accept these troops in their organized state I so advised the Governor, and stated to him when they were discharged or mustered out of the State service they would be liable to conscription, and such as were of the military age would be conscripted and assigned to the Army of Northern Virginia. The Governor insisted, as these troops had been in C. S. service for several months, and were entitled to pay, they should be mustered for payment before being mustered out. I brought this matter to the notice of the generals commanding the department and district, and represented to them that, as the reserves were assigned to active service and not under my control, I had no means of enforcing the conscription. It was then agreed by General Forrest, commanding the district, that the State troops should be assembled at Macon to be mustered, &c. At an interview with Lieutenant-General Taylor, he suggested the expediency of organizing the men of these forces between the ages of eighteen and forty-five into a battalion or regiment temporarily and subject to your approval. I replied that the orders against new organizations were very stringent and peremptory, and I did not believe it would be approved; but, as these men could not at present be forwarded to the Army of Northern Virginia, they might be temporarily formed into companies and officers assigned to command them for the present emergency. I knew it was the practice when recruits or men returning to their commands could not do so, by reason of the interruption of the communication by the presence of the enemy, the general commanding at the point of interruption organized them into companies and temporarily assigned them to duty with his own troops; after the emergency was over they went forward to their respective commands. I thought the same course might be pursued with these troops, but that they should be enrolled at once. I instructed the enrolling officer to apply to Lieutenant-General Forrest for authority to make the enrollment. I am not advised what course has been taken.

Lieutenant-General Taylor has recently desired me to approve this organization, should it be made. This I most respectfully decline as I am satisfied it would not be for the good of the service, for the reason that the men who would compose this organization are from the volunteer State forces (who have been avoiding the service from the beginning of the war), and if they are placed in a separate command, or regiment, and permitted to do duty in this State, they will all the time [be] absent from their command without leave and never present and fit for duty when required. On the contrary, if they are assigned to an old organization, and removed from the State, they will do good service, for they do not skulk the service from any fear of the enemy but from a love of their ease and comfort and anxiety about their families and property. Therefore, when the enemy make an advance into the State they leave their colors for home—to take care of the one and secure the other. For these reasons I ask instructions to be given to the generals commanding the department and district to turn over these troops to me, to be conscripted and assigned to the Army of Northern Virginia. It is also urged, as a reason for organizing these men into regiments to serve in this State, that if an attempt be made to conscript they may desert. Some doubtless would desert, but this

should not be regarded, for these temporizing measures have been very destructive to discipline and produced all the demoralization that exists to such a fearful extent in this State. Therefore I renew my recommendation that these men be conscripted and assigned to the Army of Tennessee; if not, to Northern Virginia.

I have the honor to be, general, your most obedient servant,

W. L. BRANDON,
Brigadier-General, Commanding.

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, NITER AND MINING BUREAU,
Richmond, March 24, 1865.

Hon. JOHN C. BRECKINRIDGE,
Secretary of War:

SIR: In a confidential letter of the 10th instant the opinion was expressed that the supplies of lead, niter, &c., could be maintained for a given length of time with the force then assigned to the Bureau.

Since that time the detailed men both in North Carolina and Southwest Virginia have been ordered into camp, and the operations of the Bureau in these two States virtually suspended.

I respectfully but earnestly request that these men may be returned to their work, otherwise there is no assurance as to the future supply of ammunition. If it be deemed absolutely essential that these men remain in camp, it is requested that the officers of this Bureau be allowed to select from their workmen such as are available for military duty and organize them into companies under the district officers. This has been done in three cases with great success, and one of the battalions complimented for its gallantry in action. If the men are called out indiscriminately many of them will most certainly desert; they are willing to work, but not to fight. It has been the policy of the Niter and Mining Bureau to utilize this class of men.

The Bureau officers would select such men as were reliable for military duty and leave the others at work.

In any event it is represented that there are certain skilled men who should always be left at their work under any call, no matter how urgent. The loss of one such man is now serious, and may soon be vital. The inclosed letter from Mr. Hill is one of many on the same subject, and of like purport.

Very respectfully, yours,

RICHARD MORTON,
Colonel and Chief of Bureau.

[Indorsements.]

WAR DEPARTMENT, *March 26, 1865.*

Colonel MORTON,
Niter and Mining Bureau:

The necessity for men in Southwest Virginia seems to be very urgent at this time to meet a force that threatens to destroy the works that employ the men. I know that many of them cannot be relied on for military service. I cannot make an order, but let Colonel Morton send these papers to the proper officer, who may be able to spare the "skilled" men and those who won't fight but will work.

J. C. B.,
Secretary of War.

HEADQUARTERS C. S. ARMIES,
March 29, 1865.

Respectfully referred to Brigadier-General Echols, who will carry out the suggestions of Colonel Morton as far as practicable. The need of men and ammunition is equally great, and while all available men should be brought out those absolutely necessary to make ammunition must be left at work or the troops can't fight. It will be best to take only such as can be spared and can be relied on in battle, as suggested. The rest can be organized as local commands and act with the troops when their work is necessarily suspended.

By order of General Lee:

C. MARSHALL,
Lieutenant-Colonel and Assistant Adjutant-General.

[Inclosure.]

NITER AND MINING DISTRICT NO. 7,
Abingdon, March 13, 1865.

Lieut. Col. RICHARD MORTON:

SIR: In writing to you officially a few days ago I mentioned that my niter employés had been twice called under arms within the last ten days. They are still held under the control of the military district commandant, and their works are of course entirely stopped.

From circulars received from the Bureau at the commencement of this month, I was induced to believe that there existed a great demand for the home production of niter; yet if there is so much greater demand for men that the producers are to be taken away from their works and held in camp for an indefinite time on every rumor of a raid, the Army will be greatly benefited, maybe, if the men are put regularly in, and the Niter and Mining Bureau under the present state of affairs will lose nothing.

I have 140 men, the larger portion of whom are thoroughly worthless to the Army. On every call I lose some men who go to Kentucky; about one-fourth respond, and the balance who do not run off remain at home frightened, discouraged, and discontented. I applied to General Echols for permission to organize my men into a separate and independent command. I intended thus to have the power of selecting such men as were available for military duty, and as I could spare. He very shortly refused it. I wish to state to you clearly now the position in which we are placed.

This country is liable to constant and continued raids and rumors of raids during the rest of the war. On each call the men are rendered more and more unfit for work, and each month can bring me a good excuse for non-fulfillment of contract.

As a body they won't fight, and yet they will work if let alone. They leave their works unprotected, their earth and ore to be wasted; they scatter their materials, teams, &c., and when they are allowed to return they are disheartened (in dread of a fresh call) from making efforts to renew operations.

These men are wasted to the Government. Either put them regularly in the Army, or so many as can be got there, or else let them remain with their works under the full assurance that there will be no interruption.

I respectfully request that you will give this matter prompt and vigorous attention. This part of Niter and Mining District No. 7 is in the meantime quietly and inactively awaiting your interference.

Very respectfully, &c.,

WM. M. HILL,
Assistant Superintendent.

[MARCH 24, 1865.—For Lee to Davis, requesting that a requisition be made on the Governor of Virginia for negroes to serve as soldiers, see Series I, Vol. XLVI, Part III, p. 1339.]

GENERAL ORDERS, No. 15. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 25, 1865.*

I. The attention of the Army is directed to the following act of Congress, authorizing the consolidation of companies, battalions, and regiments. The casualties of war have reduced many commands below the minimum specified in the act, and rendered necessary the reorganization of the armies of the Confederacy. The number of company and regimental organizations will be diminished, and a long list of valuable and meritorious officers will inevitably lose their commissions; but this can never be a cause for censure or reproach. It is a measure demanded by the public interest, and involves no imputation upon the character or conduct of any officer:

AN ACT to authorize the consolidation of companies, battalions, and regiments.

The Congress of the Confederate States of America do enact, That whenever any companies which are now in the service shall be so reduced as to number less than thirty-two men, rank and file, present and fit for duty, and when it shall be proved to the satisfaction of the Secretary of War, or the general commanding the department or the army in which said companies may be serving, that they cannot be recruited to that number within a reasonable time, the general commanding said department or army may, under general regulations to be issued by the Secretary of War, consolidate such companies.

SEC. 2. That new companies may be organized from the non-commissioned officers and privates of the companies thus consolidated, if they are from the same State, having a number, rank and file, not less than sixty-four nor more than one hundred and twenty-five, and the commissioned officers of said companies thus organized shall be one captain and one first and one second lieutenants, and the non-commissioned officers, four sergeants and four corporals.

SEC. 3. Whenever the consolidation of companies, battalions, and regiments shall have been determined upon, in accordance with the provisions of the first section of this act, the general commanding the department or separate army in which such reduced organizations are serving shall recommend, from the officers and men of the several organizations which it is proposed to consolidate, the officers for the command of the new organization, who shall forthwith assume the respective commands to which they may be assigned by the general commanding the department or separate army, subject to the subsequent appointment of the President, by and with the advice and consent of the Senate.

SEC. 4. Officers of the organization consolidated, not selected as officers of the new organizations, shall forthwith be notified of the fact, and from that time shall be dropped from the rolls. Such officers may, within sixty days after the consolidation of their command, organize themselves in numbers sufficient to form companies, battalions, or regiments, and shall be officered from among themselves, by appointment of the President, by and with the advice and consent of the Senate, and the generals commanding the armies to which the consolidated organizations belong shall afford reasonable facilities for forming such organizations. The officers so dropped shall have the privilege of selecting the company and arm of the service in which they may desire to serve, whether such company belongs to the army with which they are now connected or some other army of the Confederate States, and shall be entitled to transportation to such company; and failing to make such selection, such officers, if liable to military duty, shall be conscribed and placed in the service where they may be found; but no officer in the hands of the enemy shall be dropped from the rolls by reason of anything contained in this section: *Provided*, That no officer shall be permitted to select a company on the opposite side of the Mississippi River from where he is now on duty, unless he resides beyond said river.

SEC. 5. That hereafter all vacancies in the office of second lieutenant shall be filled by selections in the manner pointed out by the third section of this act, and

all officers who may have belonged to the disbanded organizations, and who may be appointed to the same grade in the new which they held in the old organization, shall take rank from the date of their first commission or appointment; and hereafter, should the new companies organized under the provisions of this act become reduced in number so as to have less than thirty-two men, rank and file, present and fit for duty, and a vacancy shall occur in the office of second lieutenant, the same shall not be filled; and should it be reduced below the number of sixteen, then a vacancy in the office of first lieutenant shall not be filled.

SEC. 6. That the office of ensign of battalions and regiments is hereby abolished, and hereafter the officer commanding a battalion or regiment shall assign, to act as color-bearer, a non-commissioned officer or private from his command, who may be distinguished for meritorious or soldierly conduct, or for valor or skill; and said non-commissioned officer or private, while so acting, shall receive the pay of a first lieutenant.

SEC. 7. The general commanding the department or army shall designate the names of the battalions or regiments organized under the provisions of this act; and the colors of the oldest battalion or regiment forming the new shall be the colors of the new organization, and the colors of other battalions and regiments shall be transmitted by the Secretary of War to the Governors of the respective States, with a statement of the battles in which the battalion or regiment to which they belong may have borne a part.

SEC. 8. That all staff, line, and other officers who may not have any command, or who may at any time be on duty for a period exceeding thirty days, unless they belong to the Invalid Corps, or are prisoners of war, or are sick or wounded, or absent by leave of the Secretary of War, or the general commanding the department or army to which they belong, shall be dropped from the rolls and held to service as now provided by law: *Provided*, That the President be, and he is hereby, authorized to assign any officer thrown out of command by the operation of this act to vacancies in the staff, with the rank previously held by such officers in the service.

SEC. 9. Prisoners of war may, within sixty days after their exchange, avail themselves of the provisions of the fourth section of this act, or they may be assigned or appointed to vacancies in the new organizations; and hereafter, when commissioned officers of companies, battalions, and regiments may be captured by the enemy, the general commanding the department or army to which they belong may designate, or the President may appoint other officers to fill their places, as provided in this act, to serve with temporary rank and command, to be held only until the return of said officers so captured.

SEC. 10. When regiments, battalions, or companies shall have been consolidated under the provisions of this act, no subsequent consolidation of the same shall be made unless by virtue of laws hereafter to be passed.

Approved February 23, 1865.

The reorganization will be accomplished according to the following regulations:

II. The general commanding a department or separate army is charged with the execution of this act at such time as the exigencies of the public service and the condition of the troops will justify. He will ascertain the companies, battalions, and regiments from the several States in his army or department which do not contain the number prescribed in the first section of this act and which cannot be recruited to that number in a reasonable time. He will consolidate these under the first and second sections of said act, and according to the conditions of the same. He will announce such consolidation in general orders, designating the names of the new organizations, and immediately forward copies to this office. Care will be taken to have the names of all men for service transferred from the old rolls to the new.

III. The officers to command the new companies, battalions, and regiments will be selected by the commanding general from the officers and men belonging to the organizations that have been consolidated. They will be placed at once in command of the new organization, and remain in the positions to which they have been assigned, subject to the subsequent appointment of the President, by

and with the advice and consent of the Senate. The commanding general should inform himself of their merits, and select such as are able for service and most competent to command. In communicating his recommendations to the Department, the former command, together with the date and grade of former commissions, will be stated.

IV. The commanding general of the department or army, who shall reorganize his army under this act, will cause a list to be prepared of all the officers of his army or department who are not designated for command, except those in the hands of the enemy, and publish the same in orders. Copies of said orders will be promptly forwarded to the Adjutant and Inspector General, who will cause the names of all such officers to be dropped from the rolls of the Army, to take effect from the date of the publication of the order at the headquarters of the department or army. The names will also be announced in general orders from this office.

V. Within sixty days from the publication of the names of said officers at the headquarters of the army or department, each officer will select and join a company in some branch of the service east of the Mississippi River, if he resides and is in service on this side of said river, or be subject to conscription wherever he may be found. Such officers may, however, form themselves into new organizations, which shall be officered from among themselves by appointment of the President. The organization will be conducted under the direction of the general commanding, who is required to afford reasonable facilities.

VI. The various chiefs of bureaus will furnish to the Secretary of War a list of all the officers in their respective departments who become supernumeraries under the eighth section of the act aforesaid, in order that their names be dropped from the rolls under the provisions of the same.

VII. The office of ensign of battalions and regiments has been abolished by this act. Their names will be dropped from the rolls from the date of this order. Each ensign will be permitted to select the company to which he desires to attach himself, under the conditions contained in paragraph V.

VIII. The commanding general is authorized under the ninth section of this act to designate officers to supply vacancies that may occur in any regiment, battalion, or company organization by the capture of the officer in command. In all such cases the commanding general will promptly communicate to the Department the name of the officer so designated.

IX. The colors of all battalions and regiments which are consolidated, except those selected for the new organizations, will be forwarded to the Adjutant and Inspector General, with a statement of the battles in which the battalion or regiment to which they belong may have participated.

By order:

S. COOPER,
Adjutant and Inspector General.

RICHMOND, VA., *March 25, 1865.*

Col. JOHN R. BAYLOR:

SIR: I have the honor to inform you that you have been appointed a colonel in the Provisional Army of the Confederate States, with

authority to raise a regiment in that portion of the State of Texas in which the conscript law cannot be enforced, and elsewhere of persons not liable to military service under that law.

If the regiment is not complete within four months from the date of appointment the authority will expire. Deserters and absentees from other commands will be carefully excluded. When the regiment is raised it will be mustered into the service for the war, and the muster-rolls and the certificates of election of officers forwarded to this office for organization in the orders of the War Department

By command of the Secretary of War.

Very respectfully, your obedient servant,

JOHN W. RIELY,
Assistant Adjutant-General.

[MARCH 25 AND 30, 1865.—For Davis to Smith, in relation to raising and organizing negro soldiers in Virginia, see Series I, Vol. XLVI, Part III, pp. 1348, 1366.]

GENERAL ORDERS, No. 16. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 27, 1865.*

I. The attention of officers in the Army is directed to the first section of an act of Congress entitled "An act to raise coin for the purpose of furnishing necessary supplies for the Army," approved March 17, 1865, by which it is provided that purchasers, under that act, of cotton or tobacco, shall be authorized to transport the same "beyond the limits of the Confederate States free from any molestation on the part of the authorities of the Confederate States, or the payment of any duty except to the extent of one-eighth per cent. now imposed by law."

II. All officers in the Army will, therefore, allow all such cotton and tobacco to be transported as aforesaid without restrictions upon permits for that purpose, granted by the Secretary of the Treasury or such officers of his Department as he may authorize to grant the same.

By order:

S. COOPER,
Adjutant and Inspector General.

SPECIAL ORDERS, No. 72. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 27, 1865.*

* * * * * * *

I. The following schedules of prices for articles named therein, adopted by commissioners appointed pursuant to law, for the State of Virginia are published for the information of all concerned, and the special attention of officers and agents of the Government is directed thereto:

RICHMOND, VA., *March 22, 1865.*

Hon. JOHN C. BRECKINRIDGE:

SIR: As Congress has repealed portions of former impressment laws relating to schedules of prices, and confined their operation to the productions of those

"detailed or exempted" by the Government, we have thought it advisable to cite the late acts of Congress on the subject for the information of the public and as a guide to all impressment officers. Therefore we invite particular attention to the annexed extracts from recent acts of Congress.

As our schedules were designed for the State, the commissioners endeavored, in arranging prices, to base them upon what appeared to be a fair average, taking all the markets of Virginia into consideration. The varied and conflicting interests involved rendered the task imposed upon the commissioners not only difficult to accomplish, but made it impossible for them to please all parties. Acting under laws of Congress, whatever may be our opinions as to their policy, we have and will fairly endeavor to observe them:

"AN ACT to amend the law in relation to impressments.

"*The Congress of the Confederate States of America do enact*, That it shall not be lawful to impress any sheep, milch cows, brood mares, stallions, jacks, bulls, breeding hogs, or other stock kept or necessary for raising sheep, hogs, horses, mules, or cattle.

"SEC. 2. That the term 'just compensation' for property impressed or taken for public use, whenever the same occurs in any of the acts relating to impressments, is hereby declared to mean the usual market price of such property at the time and place of impressment.

"SEC. 3. That so much of the fifth section of the act to regulate impressments, approved March 26, 1863, as authorizes the board of commissioners appointed by the President and Governors of the respective States to fix in advance upon the prices to be paid for property impressed or taken for public use, and to agree upon and publish schedules of prices for property so impressed, is hereby repealed: *Provided, however*, That nothing herein contained shall be construed as prohibiting said commissioners from fixing upon and publishing schedules of prices to be paid by the Government or by the families of soldiers to persons holding exemptions or details upon conditions which bind such persons to sell to the Government or to families of soldiers at prices fixed by said commissioners.

"SEC. 4. That in all cases of appeals to the board of commissioners, appointed by the President and the Governors of the respective States, from the appraisements of impressed property made by local appraisers, it shall be the duty of said commissioners to hear the proofs adduced by the parties as to the usual market price of the property at the time and place of impressment, and to assess the same according to the testimony submitted in the particular case. On such appeals the commissioners shall receive and consider such legal oral testimony as may be offered, and also affidavits or depositions of competent witnesses taken before and certified by any justice of the peace, or judge, or clerk of any court of record. Witnesses examined before such board may be sworn by either of the commissioners. Where the appeal is taken by the impressing officer, and the same is not brought to a hearing, and a final award in the case made by the commissioners within ninety days after the date of the original appraisement, such appeal shall be considered as abandoned and shall not be afterward heard, and the original appraisement shall be treated as final and conclusive.

"Approved March 18, 1865.

"A true copy:

"JAMES M. MATTHEWS,
"*Law Clerk.*"

"AN ACT to amend an act entitled 'An act to regulate impressments,' approved March 26, 1863, as amended by the act approved February 16, 1864.

"*The Congress of the Confederate States of America do enact*, That the act entitled 'An act to regulate impressments,' approved March 26, 1863, as amended by the act approved February 16, 1864, be so amended that in all cases where property shall be impressed for the use of the Army it shall not be necessary to pay the price at the time of impressment, when the parties from whom such property is impressed shall refuse to receive therefor certificates of indebtedness issued under authority of the act entitled 'An act to reduce the currency and to authorize a new issue of notes and bonds,' approved February 17, 1864, but the same shall be paid as soon as practicable thereafter.

"Approved March 18, 1865.

"A true copy:

"JAMES M. MATTHEWS,
"*Law Clerk.*"

SCHEDULE A.

	Articles.	Quality.	Description.	Quantity.	Price.
1	Wheat	Prime	White or red	Per bushel of 60 lbs.	$25.00
2	Flour	Fine		Per bbl. of 196 lbs.	123.00
2	.....do	Superfine		.....do	125.00
2	.....do	Extra superfine		.....do	126.00
2	.....do	Family		.....do	128.00
3	Corn	Prime	White or yellow	Per bushel of 56 lbs.	20.00
4	Corn-meal	Good		Per bushel of 50 lbs.	21.00
5	Rye	Prime		Per bushel of 56 lbs.	20.00
6	Cleaned oats	.....do		Per bushel of 32 lbs.	15.00
7	Wheat bran	Good		Per bushel of 17 lbs.	3.00
8	Shorts	.....do		Per bushel of 22 lbs.	4.00
9	Brown stuff	.....do		Per bushel of 28 lbs.	5.00
10	Ship stuff	.....do		Per bushel of 37 lbs.	8.00
11	Bacon	.....do	Hog round	Per pound	4.00
12	Pork, salt	.....do		.....do	3.25
13	Pork, fresh	Fat and good	Hog round	Per lb., net weight	2.75
14	Lard	Good		.....do	4.00
15	Horses and mules	First class	Artillery, &c	Average price per head.	1,200.00
16	Wool	Fair or merino	Washed	Per pound	10.00
17	.....do	.....do	Unwashed	.....do	8.00
18	Peas	Good		Per bushel	30.00
19	Beans	.....do		.....do	30.00
20	Potatoes	.....do	Irish	.....do	20.00
21	.....do	.....do	Sweet	.....do	20.00
22	Onions	.....do		.....do	50.00
23	Dried peaches	.....do	Peeled	.....do	20.00
24	.....do	.....do	Unpeeled	.....do	15.00
25	Dried apples	.....do	Peeled	.....do	15.00
26	Hay, baled	.....do	Timothy or clover	Per 100 pounds	7.00
27	.....do	.....do	Orchard or herd grass.	.....do	7.00
28	Hay, unbaled	.....do	.....do	.....do	6.00
29	Sheaf oats, baled	.....do		.....do	11.00
30	Shear oats, unbaled	.....do		.....do	10.00
31	Blade fodder, baled	.....do		.....do	7.00
32	Blade fodder, unbaled	.....do		.....do	6.00
33	Shucks, baled	.....do		.....do	5.00
34	Shucks, unbaled	.....do		.....do	4.00
35	Wheat straw, baled	.....do		.....do	3.00
36	Wheat straw, unbaled	.....do		.....do	2.00
37	Pasturage	.....do	Interior	Per head per month	5.00
38	.....do	Superior	.....do	.....do	6.00
39	.....do	First rate	.....do	.....do	7.00
40	.....do	Good	Near cities	.....do	8.00
41	.....do	Superior	.....do	.....do	9.00
42	.....do	First rate	.....do	.....do	10.00
43	Salt	Good		Per bushel of 50 lbs.	10.00
44	Soap	.....do		Per pound	3.00
45	Candles	.....do	Tallow	.....do	7.00
46	Vinegar	.....do	Cider	Per gallon	5.00
47	Whisky	.....do	Trade	.....do	25.00
48	Sugar	.....do	Brown	Per pound	5.00
49	Molasses	.....do	New Orleans	Per gallon	15.00
50	Rice	.....do		Per pound	1.00
51	Coffee	.....do	Rio	.....do	10.00
52	Tea	.....do	Trade	.....do	15.00
53	Vinegar	.....do	Manufactured	Per gallon	2.00
54	Pig-iron	.....do	No. 1 quality	Per ton	400.00
55	.....do	.....do	No. 2 quality	.....do	364.00
56	.....do	.....do	No. 3 quality	.....do	328.00
57	Bloom iron	.....do		.....do	760.00
58	Smith's iron	.....do	Round plate and bar	.....do	1,100.00
59	Railroad iron	Serviceable		.....do	450.00
60	Leather	Good	Harness	Per pound	8.00
61	.....do	.....do	Sole	.....do	7.00
62	.....do	.....do	Upper	.....do	9.00
63	Beef-cattle	.....do	Gross weight	Per 100 pounds	50.00
64	.....do	Superior	.....do	.....do	60.00
65	.....do	First rate	.....do	.....do	70.00
66	Salt beef	Good		Net per pound	2.00
67	Sheep	Fair		Per 100 pounds	70.00
68	Army woolen cloth, 3-4 yard.	Good	10 ounces per yard	Per yard	15.00
69	.....do	.....do			(a)
70	Army woolen cloth, 6-4	.....do	20 ounces per yard	Per yard	30.00

a Pro rata as to greater or less width or weight.

SCHEDULE A—(Continued.)

	Articles.	Quality.	Description.	Quantity.	Price.
71	Army woolen cloth, 6-4 yard.	Good		Per yard	(*a*)
72	Flannels, 3-4	do	6 oz. per yard	do	$14.00
73	Cotton shirtings, 3-4	do	4½ yards to pound	do	2.50
74	Cotton shirtings, 7-8	do	3⅝ yards to pound	do	3.00
75	Cotton sheetings, 4-4	do	3 yards to pound	do	3.50
76	Cotton, osnaburgs, 3-4	do	6 oz. per yard	do	3.50
77	Cotton osnaburgs, 7-8	do	8 oz. per yard	do	3.80
78	Cotton tent cloths	do	10 oz. per yard	do	4.00
79					(*b*)
80	Army shoes	Good		Per pair	25.00
81	Shoe thread	do		Per pound	6.00
82	Wool socks, men's	do		Per pair	5.00
83	Corn-top fodder, baled	do		Per 100 pounds	2.00
84	Corn-top fodder, unbaled	do		do	1.00
85	Wheat chaff, baled	do		do	7.00
86	Wheat chaff, unbaled	do		do	6.00
87	Sorghum molasses	First quality		Per gallon	15.00
88	Pasturage for sheep	Good	Interior	Per head	1.00
89	do	Superior	do	do	1.25
90	do	First rate	do	do	1.50
91	Apple brandy	Good		Per gallon	15.00
92	Peach brandy	do		do	15.00

a Pro rata as to greater or less width or weight.
b On the above enumerated cotton cloths, pro rata as to greater or less width or weight.

SCHEDULE B.—*Hire of labor, teams, wagons, and drivers.*

	Labor.	Quantity and time.	Price.
1	Baling long forage	Per 100 pounds	$1.00
2	Shelling and bagging corn; sacks furnished by Government	Per 56 pounds	.20
3	Hauling	Per cwt. per mile	.20
4	Hauling grain	Per bushel	.15
5	Hire of 2-horse team, wagon, and driver; rations furnished by owner.	Per day	30.00
6	Hire of same; rations furnished by Government	do	15.00
7	Hire of 4-horse team, wagon, and driver; rations furnished by owner.	do	50.00
8	Hire of same; rations furnished by the Government	do	25.00
9	Hire of 6-horse team, wagon, and driver; rations furnished by owner.	do	70.00
10	Hire of same; rations furnished by Government	do	35.00
11	Hire of laborer; rations furnished by owner	do	8.00
12	Hire of same; rations furnished by Government	do	4.00
13	Hire of same; rations and clothing furnished by owner	Per month	185.00
14	Hire of same; rations furnished by the Government	do	100.00
15	Hire of teamsters; rations furnished by the Government	do	100.00
16	Hire of laborer; clothing and rations furnished and taxes paid by Government.	Per year	500.00
17	Hire of ox-cart, team, and driver; rations furnished by owner	Per day	30.00
18	Hire of same; rations furnished by Government	do	15.00

Revision of the Schedules of February and March last.

Since the adoption of our schedules for the months of February and March last the financial bills passed by Congress taxing the currency had seriously impaired the value of the old issues of Confederate Treasury notes. At this juncture large numbers of horses and mules were impressed and paid for in a currency which was in a few days thereafter to be taxed 33⅓ per cent.

The Board of State Commissioners having adjourned and one of its members being out of the State, it could not be convened in time to review our schedules of prices. Under this state of facts we have re-examined and rearranged our tariff of prices, so far as we have been advised of recent impressments, proposing in this mode to remedy any diminution of valuation which may have occurred from the action of Congress upon the currency. Therefore we assess the average value of artillery or wagon horses or mules impressed since the passage of the currency bill of the 17th of February last at $600. This award will entitle each person to receive a higher compensation accordingly as each horse or mule recently impressed may be considered as being a first, second, or third class artillery

or wagon horse or mule, whether the parties appeal to our Board or not, and the impressing agents and officers should forthwith call on all those persons of whom they have impressed horses or mules and propose a settlement upon the foregoing basis, but allowing to each person only such prices as first, second, or third class artillery or wagon horses or mules may have been estimated at by the local or county appraisers, assuming our average appraisement of $600 as a fair medium valuation. This, then, would allow a maximum price of $800 and a minimum price of $400, making $600 the average price, thus allowing more for first-class horses or mules and proportionately less for the inferior, as they may fall below the grade of first class. The county appraisements will be the guide in making these settlements, but within the limits of our maximum price of $800 and our minimum price of $400. This plan would perhaps be most satisfactory to the people. For whatever price the county appraisers agreed upon should be deemed fair within the range of our minimum price of $400 and our maximum price of $800, payment of whatever amount awarded to be made in the new issue of Treasury notes.

The impressing officers in those instances where there were no arbitrators or local appraisements for horses or mules impressed should in all such cases themselves re-estimate the value of horses or mules thus impressed and allow in each case such additional compensation as would, within the limits of our schedule rates, appear just and proper. But if after this revaluation and settlement any person should not be satisfied the party could then appeal to our Board and have the case reconsidered.

All appeals and communications for the Board of Commissioners should be addressed, postpaid. Mr. D. K. Whitaker, secretary of the Board, Box 995, Richmond post-office, Va.

The next meeting of the Board will be held the 2d day of May next in the city of Richmond.

E. W. HUBARD,
ROBT. GIBBONEY,
Commissioners of Virginia.

By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

WAR DEPARTMENT, ADJT. AND INSP. GENERAL'S OFFICE,
Richmond, Va., March 27, 1865.

Brig. Gen. A. R. LAWTON,
Quartermaster-General:

GENERAL: I have the honor to inclose to you copies of a memorandum from the President and of a letter from the Secretary of War, to the main points of which, in so far as they are applicable to your Bureau, I am directed to invite your attention.

You will please classify the officers of your department according to their respective grades, and in the order of relative rank, with a view to selections for the different commands and promotions founded upon capacity and services. You will accompany the list, which will be sent to this office, with such necessary information, in brief, and your opinion, as will facilitate the selection. You will include in the list (making the necessary distinction) such officers of the C. S. Army as may properly belong to your department.

A general order embodying these regulations and announcing the operation of the several acts will be published in a few days, but it is hoped that by promptness in the above particulars the Department may be able to anticipate the demands for promotion from the different sources interested.

Very respectfully, your obedient servant,

S. COOPER,
Adjutant and Inspector General.

[Inclosure No. 1.]

WAR DEPARTMENT,
Richmond, Va., March 24, 1865.

General COOPER,
Adjutant and Inspector General:

GENERAL: I have had a conference to-day with the President in reference to the general staff. It was desired to confer with you, but you happened to be absent. The inclosed memorandum in the handwriting of the President is, so far as it goes, the result of the conference. Please classify the officers of the Adjutant and Inspector General's Department according to their respective grades and in the order of rank, with a view to selections for the different commands, and promotions founded upon capacity and services.

The principles laid down in the memorandum do not exclude the idea of promotion upon the recommendations of general officers in proper cases. Hence, if you see no objection, it may be well for you to recommend the promotion of the officers named in the inclosed communication of General R. E. Lee, upon the ground of merit and services, although there may be available officers of adequate rank unassigned.

Please issue a circular to the chiefs of the several staff departments, embracing the points in this and the memorandum of the President, and applying them to their several corps.

Please confer with me personally so soon as this work is completed.

The papers in relation to General Buckner's staff are inclosed for reconsideration.

Respectfully, your obedient servant,

JOHN C. BRECKINRIDGE,
Secretary of War.

[Inclosure No. 2.]

MEMORANDUM.

The act of June 14, 1864, establishes the general staff as a corps and provides for promotions or selections, and renders the post or duty of a staff officer purely a matter of assignment. It allows a certain grade of staff officers to correspond with the grade of the general with whom they are serving, and a certain number of staff officers, but authorizes the increase or reduction of the number.

The act of March 11, 1865, repeals certain provisions as to both grade and number.

To carry out the first and main provision, promotions cannot be made to depend upon the officer with whom a staff officer is serving by assignment. The selections for promotion must be made in the usual mode of determining merit. The number of colonels, for instance, in the Adjutant-General's Department will be made equal to the number of appropriate places for the assignment of adjutants-general with the rank of colonel. From these, generals entitled to an adjutant-general of that grade may select for his staff. If any general prefers an adjutant-general who has a lower grade, he should, as a general rule, be indulged in that preference. No promotion, however, will be derivative from his selection. So of other departments of the general staff.

Officers of the general staff other than aides-de-camp will not follow their chief when he may receive a new assignment or promotion. By careful selections it will be made the interest of a general to desire officers of the highest grade allowed, and such will probably be the usual practice; but when it may be otherwise a staff officer may be assigned to a general of less grade than that corresponding to his own.

[MARCH 27, 1865.—For Lee to Breckinridge, in relation to raising negro troops, see Series I, Vol. XLVI, Part III, p. 1356.]

CONFEDERATE STATES OF AMERICA,
WAR DEPARTMENT, NITER AND MINING BUREAU,
Richmond, March 28, 1865.

General R. E. LEE,
Commanding C. S. Armies:

GENERAL: I inclose the original and a copy of a letter addressed to the Secretary of War, with an indorsement from him which directs me to refer it to the commanding officers.* These duplicates are sent with the request that if meeting your approval one may be forwarded to General Johnston and the other to the officer commanding in Southwest Virginia.

If this call for detailed men is made general, two-thirds of them will be lost to the service entirely; they will desert rather than go into the Army. If the Bureau officers, however, are allowed to select the reliable men as many will be secured for the field as by making the call general, and the balance will remain at work, which is of the utmost importance now. There are many skilled men and founders, keepers, miners, &c., about the furnaces and mines, whose places cannot be supplied; heretofore they have been exempt under all calls.

In this connection I would respectfully call your attention to the fact that the Wythe Lead Mines are vital to the future conduct of the war. Owing to the damage done the works last December by the raiding party under Stoneman no lead has been received from Wythe for some months, and during this time all the surplus heretofore accumulated has been worked up. Operations were resumed, however, on the 22d of this month, and the lead for the opening campaign must come from these mines.

Very respectfully, yours,

RICHARD MORTON,
Colonel and Chief of Bureau.

[Indorsement.]

HEADQUARTERS C. S. ARMIES,
March 29, 1865.

Respectfully referred to General J. E. Johnston.

The need of ammunition is as great as the need of men. It is necessary to have such men as are absolutely required to make ammunition. The best for service, and such as can be spared, will be selected

*See March 24, p. 1164.

by the officers of the Bureau. Skilled men for mining, smelting, &c., are absolutely necessary. Those who remain at work can be organized as local troops, and can be used when they cannot work.

By order of General Lee:

C. MARSHALL,
Lieutenant-Colonel and Assistant Adjutant-General.

SPECIAL ORDERS, No. 73. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, March 28, 1865.*

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X. The organization known as the Foreign Battalion will be hereafter designated the Eighth Confederate Battalion Infantry.

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By command of the Secretary of War:

JNO. WITHERS,
Assistant Adjutant-General.

GENERAL ORDERS, No. 17. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 29, 1865.*

I. The following act of Congress, abolishing the Bureau of Conscription, is published, as amended by the subsequent act of March 17, 1865, for the information of general officers commanding reserves in the several States, and of all officers and others now upon conscript service under the orders of the late Bureau of Conscription:

AN ACT to regulate the business of conscription.

The Congress of the Confederate States of America do enact, That the general officers commanding the reserves in each State shall be charged with the duty of directing and controlling the enforcement of the laws relating to conscription, exemption, and details therein; that the said officers shall report to the Secretary of War, through the Adjutant and Inspector General, who shall assign an assistant adjutant-general in his office to the special duty of receiving and arranging all returns, and discharging such other duties as may be necessary in the enforcement of the conscription acts.

SEC. 2. That all applications for exemption and detail, except as hereinafter provided, shall be decided by the general officers having charge of the business of conscription in the several States. Appeals may be taken from their decisions to the Secretary of War, but during the pendency of such appeals the appellants shall be liable to military service.

SEC. 3. That there shall be assigned from the Invalid Corps, or from officers certified by the proper medical boards to be unfit for active service in the field, a sufficient number of enrolling officers, who shall report to and be under the immediate direction and control of the general officers conducting the business of conscription in the several States.

SEC. 4. That all conscripts shall be examined by the medical boards of the Army after joining the commands in the field to which they may be respectively assigned; and every discharge granted by an Army medical board shall be final, and shall relieve the party from all military service in the future, when the disability is permanent and the cause of it is set forth in the certificate of discharge.

SEC. 5. *a* That if any conscript shall furnish to the enrolling officer of his county a certificate, under oath, from a respectable physician or from any Army surgeon, that he is unable to travel to the command to which he may be assigned, without serious prejudice to his health, or that he is seriously maimed or manifestly unfit

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a Amendatory. Approved March 17, 1865.

for field service, or shall present to such an enrolling officer a certificate of discharge on account of permanent disability heretofore granted, a furlough shall be granted to him until the next meeting of the medical board, hereinafter provided for.

SEC. 6. That there shall be assigned to each Congressional district a medical board, consisting of three surgeons, two of whom shall be Army surgeons, who, after due notice of the time and place of their meeting, shall visit each county of the district at least once in three months, and shall examine, for discharge or recommendation for light duty, all conscripts who have been furloughed under the provisions of the preceding section. Every discharge granted by the said medical board shall be final, and shall relieve the party from military service in the future, when the disability is permanent and the cause of it is set forth in the certificate.

SEC. 7. *b* It shall be the duty of all officers and others employed in the military service of the Confederate States, and not actually in the field nor attached to any army in the field, including quartermasters and commissaries, commanders of posts, provost-marshals, officers of the Ordnance, Niter and Mining, and Medical Bureaus, and others, to make certified returns under oath, every two months, to the nearest conscript officer, of the names, ages, and physical condition of all persons employed in their service, which returns shall be forwarded to the general officer controlling conscription in the State.

SEC. 8. That for the enforcement of the duties imposed by this act upon the general officers controlling conscription in the several States, they may employ such detachments of the reserve forces as they may deem necessary.

SEC. 9. That the Bureau of Conscription and the camps of instruction are hereby abolished, and all rules and regulations of the War Department inconsistent with this act are hereby abrogated.

Approved March 7, 1865.

II. The duties in connection with the enforcement of the conscription laws devolved by this act upon the Bureau of the Adjutant and Inspector General will be performed through an officer of that Bureau, to be styled the "Officer of Conscription." All reports and returns from generals of reserves, and all other official correspondence relating thereto, will be addressed to the Adjutant and Inspector General, and will, in all cases, be legibly indorsed upon the envelopes "Conscription Service."

III. Commandants of conscripts, district inspectors, and enrolling officers will at once report to the general commanding reserves in their respective States, and all officers on conscript duty in localities not embraced within the commands of generals of reserves will report by letter to this office, indorsed on the envelope as above, inclosing a copy of their orders and stating specifically the duty to which they have been assigned.

By order:

S. COOPER,
Adjutant and Inspector General.

GENERAL ORDERS, No. 18. ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, Va., March 30, 1865.*

I. Paragraph II, General Orders, No. 6, current series, is hereby revoked, and Brig. Gen. Daniel Ruggles, Provisional Army, C. S., is constituted Commissary-General of Prisoners, and will at once enter upon his duties as designated in paragraphs I, II, and III, General Orders, No. 84, of 1864.

II. Paragraph IX, General Orders, No. 10, current series, is amended so as to read:

Persons arriving at the age of eighteen years, and all others in the reserve forces, not disabled for active duty, who are within the con-

b Section 6 repealed by amendatory act, approved March 17, 1865.

script ages, will be turned over to enrolling officers for assignment to infantry companies in the general service. The fact of their holding commissions does not preclude the operations of this order.

Generals of reserves and inspectors are required to enforce this order.

III. Paragraph I, General Orders, No. 83, of 1864, is amended so to embrace commissioned officers within its provisions.

IV. It having been represented to the Department that officers and persons authorized to raise local organizations and companies within the enemy's lines are abusing their authority by receiving deserters into their companies and giving encouragement to desertion in order to fill up their commands, the attention of officers and soldiers is therefore especially directed to the following Articles of War, to wit:

ART. 22. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company without a regular discharge from the regiment, troop, or company in which he last served, on the penalty of being reputed a deserter and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall by a court-martial be cashiered.

ART. 23. Any officer or soldier who shall be convicted of having advised or persuaded any officer or soldier to desert the service of the Confederate States, shall suffer death or such other punishment as shall be inflicted upon him by the sentence of a court-martial.

All persons violating these articles will be promptly arrested and brought to trial by court-martial, and, if the practice referred to is not at once discontinued, authorities to raise such commands will be summarily revoked.

By order:

S. COOPER,
Adjutant and Inspector General.

CIRCULAR LETTER.] CONSCRIPT OFFICE,
Richmond, Va., March 31, 1865.

Enrolling officers are hereby instructed not to interfere with parties detailed to the Navy Department whose details expire on or about the 1st of April, as it is impracticable on the part of said Department to apply immediately for renewals.

Application for renewal will, however, be made, and until further orders are issued the above-named parties will remain unmolested.

By order of Lieut. Col. J. C. Shields, commandant:

J. H. BINFORD,
Lieutenant and Adjutant.

[APRIL 1, 1865.—For Davis to Lee, in relation to measures for raising negro troops, see Series I, Vol. XLVI, Part III, p. 1370.]

HEADQUARTERS RESERVE FORCES, VIRGINIA,
April 1, 1865.

General S. COOPER,
Adjutant and Inspector General:

GENERAL: I respectfully ask instructions upon the following points:

First. Shall I continue to hold men to service after they attain the age of fifty years? The existing orders, verbally communicated to

me by the Assistant Secretary of War, require me to do so. While the courts differ, most of them discharge men upon becoming fifty years of age upon writs of habeas corpus.

Second. Does the act of February 17, 1864, hold to service during the war all men who were on that day under fifty years of age; or does it mean simply to hold to service those who are under fifty at the dates at which they are respectively liable to enrollment? To illustrate: A member of the Legislature who will go out of commission on the 1st of July next will then be fifty years of age, but was under that age on the 17th of February, 1864. Shall he be held to service? Another member will then be forty-five years of age. Is he to be held to service as a reserve, or does the fact that he was under forty-five on the 17th of February, 1864, make it proper to assign him to the regular forces?

Third. Am I to allow any details to men between forty and forty-five years of age on grounds of public and private necessity? General Orders, No. 77, series of 1864, revokes all such details, and impliedly forbids any such to be granted. It is understood that a recent law, which has never been published in orders, authorizes the Executive to grant details to men between forty and forty-five years of age on the grounds mentioned.

Very respectfully, your obedient servant,

J. L. KEMPER,
Major-General.

[APRIL 4, 1865.—For address of Jefferson Davis to the people of the Confederate States of America, see Series I, Vol. XLVI, Part III, p. 1382.]

HEADQUARTERS RESERVE FORCES, MISSISSIPPI,
Enterprise, April 5, 1865.

Lieut. Gen. R. TAYLOR,
Comdg. Dept. of Mississippi and Alabama, Macon, Miss.:

GENERAL: I have this day forwarded to you the application for the return of 107 men belonging to the different companies of the reserve forces who have deserted their colors and joined other commands. This is a growing evil and is very detrimental to discipline and order, tending to demoralize the whole force and render it worthless as a separate organization. I have not the slightest objection to assign or transfer to the general service the youths now over eighteen years, and as they pass that age, but cannot do so without instructions from the Honorable Secretary of War, for which I have applied. The general orders against officers receiving deserters knowingly are very stringent, and I have unofficial notice of a captain of the reserves being cashiered under that charge, at which I was rejoiced. I feel that it is due to the good of the service that the same rule should govern or prevail in regard to the officers of the general service. I have the honor, general, most respectfully to ask your especial attention to this gross breach of discipline. If you deem it advisable, and have these papers returned, I will have charges preferred.

I have the honor to be, with great regard, your obedient servant,

W. L. BRANDON,
Brigadier-General, Commanding.

CONFIDENTIAL.] EXECUTIVE DEPARTMENT,
Milledgeville, April 7, 1865.

Maj. Gen. SAMUEL JONES:

GENERAL: I agree with you fully in opinion on the blockade question, and inform you in this confidential manner that the cotton is to be carried down by the State on her steamers and sold to persons who have authority from the United States Government to purchase, and sell us in exchange necessaries which we cannot do without. It is also the policy in this way to accumulate some funds abroad to pay for soldiers' clothing, &c. I have the authority of the Legislature of my State for this. Members of Congress tell me that a late act of Congress gives the same authority, and the President has directed General Cobb to grant permits, if necessary, on my certificate. I am glad you take what I consider the true view of this question, and will be much obliged by any aid you may afford me.

The portion of your letters which relates to militia will be reforwarded to Adjutant-General Wayne for reply.

I am, general, very truly, &c.,

JOSEPH E. BROWN.

[APRIL 8, 1865.—For Smith to Pike and others, in relation to forming an alliance with the Comanche and other wild tribes of Indians, to enable the Confederate Government to use them as auxiliaries, see Series I, Vol. XLVIII, Part II, pp. 1266–1271.]

DANVILLE, VA., *April 9, 1865.*

President J. DAVIS:

Mr. PRESIDENT: In obedience to your request I have the honor to submit the following statement:

On the 21st of March, 1865, Mr. McKnight, of the Alabama Reserves, presented a permit to General Hodge for his indorsement and orders for a guard to escort 1,666,666⅔ pounds of cotton through the District of Southwest Mississippi and East Louisiana, for the purpose of purchasing and getting out medical supplies for Surgeon Potts, C. S. Army, at Montgomery. I have been informed that Mr. McKnight is associated in this contract with a detailed man, a clerk of Captain Gillaspie, assistant quartermaster, at Montgomery. Said clerk was arrested at Jackson, Miss. (I have forgotten his name), about the 19th of March, for stealing and running off with $133,000 of Mr. D. H. Mark's money, and converted the same into gold. His wife has gone into the enemy's lines since. I informed Mr. McKnight that the Government had no cotton in that district. He replied that that made no difference, as he would purchase cotton. I have been very active as inspector watching all movements of the enemy, and especially of cotton and goods, since early in December last, and have never known but of one wagon load of medical supplies being received and shipped to Doctor Potts, and then Mr. Granville White (his agent near Bayou Sara) shipped without a permit thirty or thirty-six bales of cotton to pay for the same, and some whisky, of which he sold four or five barrels at Woodville for $14 per gallon, in greenbacks, to a Mr. Frankenthaul, for I saw the bill. Rumor also says he received as medical supplies coffee, flour, soap, &c., all of which were sold. Mr. G. White

was arrested and sent to department headquarters, and soon after I saw him back, having been released. This is but one of the many cases of fraud practiced on the Government, and which I was breaking up.

Mr. Deynoodt, Belgian consul, is now shipping 10,000 bales of cotton, and hundreds of people are trying to and are shipping in his name, although I know it is without his knowledge. It will require the entire attention of one responsible officer and several attendants to prevent these shipments and see that the guards and pickets do not take bribes and pass more than the order calls for. This has been my especial duty since I was ordered by the Honorable Secretary of War to report to General Hodge. There are many families living near the river with many slaves on their plantations doing little or nothing but stealing, as they are not able to clothe and feed them. These parties have made repeated application to ship a few bales of cotton and buy supplies, but the general's orders were such that he could not permit it, and they are nightly running cotton through. Many negroes are running to keep from our conscript officers, and some are volunteering.

In closing my report, Mr. President, permit me to ask a favor. As the plans submitted to you last March by General Polk and myself were not approved, I renew the proposition in a different light. I am an old naval officer, and found when I captured the iron-clad Indianola that it would be an easy thing to capture more. I would respectfully ask that I may now be allowed to raise a battalion of volunteer officers of the Navy and Army who are off of duty, and with 1,000 bales of cotton at my command I will pledge myself to capture and destroy most if not all the vessels in the Mississippi River and get your army across the river. It can be done with a gallant little band of men, and by surprising them, as they are not so vigilant now as formerly; and boats going up and down the river, by giving a signal, run up alongside of their quarter, where they can be easily surprised and captured.

Praying, Mr. President, that you will excuse the liberty taken and give me a favorable answer to my plan, I beg to subscribe myself, your most obedient servant,

FRED. B. BRAND,
Lieutenant-Colonel, Miles (Louisiana) Legion.

[Indorsement.]

APRIL 10, 1865.

ADJUTANT AND INSPECTOR GENERAL:

The within report in regard to frauds in the matter of exporting cotton requires attention. It would be well to communicate with the commanding generals, &c.

The proposition to employ officers "off of duty" can be better estimated by you than myself. It seems designed for temporary service. The law authorizing supernumerary officers to organize themselves implies permanence.

J. D.

[APRIL 15, 1865.—For Brown to Smith, ordering out all men in Georgia who can bear arms, whether in the State or Confederate service, see Series I, Vol. LII, Part II, p. 813.]

[APRIL 16, 1865.—For Smith to Breckinridge, in relation to the refusal of President Davis to give the Governor authority over the Confederate forces who may be in Virginia, see Series I, Vol. LI, Part II, p. 1069.]

Consolidated abstract from the latest returns of the Confederate Army, 1865.

[Compiled from such returns as are on file in the War Department.]

Command.	Present for duty.		Aggregate present.	Aggregate present and absent.	Date of return.
	Officers.	Men.			
Army of Northern Virginia (Lee)	4,046	55,575	73,349	160,411	Feb. 20, 1865
Department of Western Virginia and East Tennessee *a* (Echols).	361	3,123	4,006	10,064	Feb. 28, 1865
Department of Richmond (Ewell)	262	4,013	5,175	9,456	Mar. 20, 1865
Department of North Carolina *b* (Bragg)	----------	----------	----------	----------	
Department of South Carolina, Georgia, and Florida *b* (Hardee).	----------	----------	----------	----------	
Army of Tennessee *c* (Johnston)	1,577	15,295	20,829	73,260	Apr. 17, 1865
Department of Alabama, Mississippi, and East Louisiana *d* (Taylor).	735	9,205	12,040	28,194	Mar. 10, 1865
Western District of North Carolina (Martin)	130	1,433	1,745	2,910	Mar. 10, 1865
Trans-Mississippi Department *e* (E. K. Smith)	2,132	28,107	43,054	74,397	Dec. 31, 1864
Total	9,243	116,751	160,198	358,692	

a Exclusive of the Tenth Kentucky Cavalry, Seventh Confederate Battalion, and Thirteenth Virginia Battalion (Reserves), not reported.

b Embodied in the return of the Army of Tennessee for April 17, 1865, except that portion of Hardee's command in Florida under Jones, for which there are no returns in 1865.

c Exclusive of the cavalry, which had, April 7, 1865, an effective total of 5,090; total present, 6,726; aggregate present, 7,183. See also other explanatory notes attached to return printed in Series I, Vol. XLVII, Part III, p. 808.

d There are no returns of any troops in this department for 1865, except the District of the Gulf (Maury), which is here given.

e These figures are taken from latest return on file (December 31, 1864). For an explanation of its deficiencies, see abstract for December, 1864, p. 989.

Proclamation of Governor Brown.

A PROCLAMATION TO THE OFFICERS AND MEMBERS OF THE GENERAL ASSEMBLY.

The magnitude of events that have occurred since your late adjournment and are now transpiring in our public affairs, affecting as they do so seriously the safety, security, and welfare of the people of the State, render it highly proper and expedient that the General Assembly should be in session again at an early day to consider of the existing state of things and to provide the best means which they in their wisdom may be able to devise for meeting the exigencies of the times.

The two most distinguished generals of the Confederacy, commanding the armies upon which we mainly relied for the defense and maintenance of our cause, having been compelled by overwhelming

numbers to capitulate, it now devolves upon statesmen and patriots in the civil departments of Government to do all in their power to prevent anarchy, restore and preserve order, and save what they can of liberty and civilization.

You are therefore hereby required to convene in extraordinary session at the capitol in Milledgeville on Monday, the 22d day of this present month.

Given under my hand and the great seal at the capital of the State this 3d day of May, 1865.

JOSEPH E. BROWN.

Principal officials of the War Department and its bureaus from January 1, 1864, to close of the war.

[Compiled from official records.]

SECRETARY OF WAR.

James A. Seddon.
Maj. Gen. John C. Breckinridge, from February 6, 1865.

ASSISTANT SECRETARY OF WAR.

John A. Campbell.

CHIEF OF THE BUREAU OF WAR.

Robert G. H. Kean.

ADJUTANT AND INSPECTOR GENERAL.

General Samuel Cooper.

QUARTERMASTER-GENERAL.

Brig. Gen. Alexander R. Lawton.

COMMISSARY-GENERAL OF SUBSISTENCE.

Col. Lucius B. Northrop.
Brig. Gen. Isaac M. St. John, from February 16, 1865.

SURGEON-GENERAL.

Surg. Samuel P. Moore.

CHIEF OF ENGINEER BUREAU.

Lieut. Col. Alfred L. Rives (acting), to March 9, 1864.
Maj. Gen. Martin L. Smith, to April, 1864.
Col. Alfred L. Rives (acting), from April, 1864.

CHIEF OF ENGINEER BUREAU—cont'd.

Maj. Gen. Jeremy F. Gilmer, from June, 1864.

CHIEF OF BUREAU OF ORDNANCE.

Col. Josiah Gorgas. (Was promoted to brigadier-general November 10, 1864.)

SUPERINTENDENT OF NITER AND MINING BUREAU.

Lieut. Col. Isaac M. St. John (promoted to colonel June 15, 1864), to February 16, 1865.
Col. Richard Morton, from February 22, 1865.

COMMISSIONER OF INDIAN AFFAIRS.

S. S. Scott.

SUPERINTENDENT OF CONSCRIPTION.

Brig. Gen. John S. Preston. (Was promoted from colonel to brigadier-general June 10, 1864. During intervals of temporary absence of the superintendent the Bureau was in charge of Col. Thomas P. August, Lieut. Col. George W. Lay, or Capt. C. B. Duffield.)

The Bureau of Conscription was discontinued by act of Congress of March 17, 1865.

CHIEF OF SIGNAL CORPS.

Maj. William Norris.

Executive officers of the Confederate States, 1861–1865.

[Compiled from official records.]

PRESIDENT.

Jefferson Davis, February 18, 1861, and February 22, 1862.

VICE-PRESIDENT.

Alexander H. Stephens, February 18, 1861, and February 22, 1862.

SECRETARY OF STATE.

Robert Toombs, February 21, 1861.
Robert M. T. Hunter, July 25, 1861, to February 17, 1862.
William M. Browne (ad interim).
Judah P. Benjamin, March 18, 1862.

ATTORNEY-GENERAL.

Judah P. Benjamin, February 25, 1861.
Thomas Bragg, November 21, 1861.
Thomas H. Watts, March 18, 1862. *a*
Wade Keyes (ad interim).
George Davis, January 2, 1864.

SECRETARY OF THE TREASURY.

Christopher G. Memminger, February 21, 1861.

SECRETARY OF THE TREASURY—cont'd.

George A. Trenholm, July 18, 1864.

SECRETARY OF THE NAVY.

Stephen R. Mallory, March 4, 1861.

POSTMASTER-GENERAL.

Henry T. Ellet, February 25, 1861 (declined appointment).
John H. Reagan, March 6, 1861.

SECRETARY OF WAR.

Leroy P. Walker, February 21, 1861, to September 16, 1861.
Judah P. Benjamin, November 21, 1861. (Was also acting from September 17, 1861, to November 21, 1861, and from March 18, 1862, to March 23, 1862.)
Brig. Gen. George W. Randolph, March 18, 1862.
Maj. Gen. Gustavus W. Smith (assigned temporarily), November 17, 1862.
James A. Seddon, November 21, 1862.
Maj. Gen. John C. Breckinridge, February 6, 1865.

CONGRESSES OF THE CONFEDERATE STATES.

[Compiled from official records.]

PROVISIONAL CONGRESS.

First session.

Assembled at Montgomery, Ala., February 4, 1861. Adjourned March 16, 1861, to meet second Monday in May.

Second session (called).

Met at Montgomery, Ala., April 29, 1861. Adjourned May 21, 1861.

Third session.

Met at Richmond, Va., July 20, 1861. Adjourned August 31, 1861.

Fourth session (called).

Met at Richmond, Va., September 3, 1861. Adjourned same day.

Fifth session.

Met at Richmond, Va., November 18, 1861. Adjourned February 17, 1862.

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a The date when Watts ceased to perform duty as Attorney-General is not definitely fixed by the records. He was inaugurated as Governor of Alabama December 2, 1863.

FIRST CONGRESS.

First session.

Met at Richmond, Va., February 18, 1862. Adjourned April 21, 1862.

Second session.

Met at Richmond, Va., August 18, 1862. Adjourned October 13, 1862.

Third session.

Met at Richmond, Va., January 12, 1863. Adjourned May 1, 1863.

Fourth session.

Met at Richmond, Va.; December 7, 1863. Adjourned February 17, 1864.

SECOND CONGRESS.

First session.

Met at Richmond, Va., May 2, 1864. Adjourned June 14, 1864.

Second session.

Met at Richmond, Va., November 7, 1864. Adjourned March 18, 1865.

Members of the Provisional Congress of the Confederate States from February 4, 1861, to February 17, 1862.

[Compiled from official records.]

ALABAMA.

Richard W. Walker.
Robert H. Smith.
Jabez L. M. Curry.
William P. Chilton.
Stephen F. Hale.
Colin J. McRae.
John Gill Shorter.
Thomas Fearn. *a*
David P. Lewis. *a*
Nicholas Davis, *b*
H. C. Jones. *b*
Cornelius Robinson. *c*

ARKANSAS.

Robert W. Johnson. *d*
Albert Rust. *d*
Hugh F. Thomason. *d*
W. W. Watkins. *d*
Augustus H. Garland. *d*

FLORIDA.

J. Patton Anderson. *e*
James B. Owens.
Jackson Morton. *f*
George T. Ward. *g*
John P. Sanderson. *h*

GEORGIA.

Robert Toombs.
Howell Cobb.
Francis S. Bartow. *i*
Martin J. Crawford.
Eugenius A. Nisbet.
Benjamin H. Hill.
Augustus R. Wright.
Thomas R. R. Cobb.
Augustus H. Kenan.
Alexander H. Stephens.
Thomas M. Foreman. *j*
Nathan Bass. *k*

a Admitted February 8, 1861; resigned April 29, 1861.
b Admitted April 29, 1861.
c Admitted November 30, 1861; resigned January 24, 1862.
d Admitted May 18, 1861.
e Resigned May 2, 1861.
f Admitted February 6, 1861.
g Admitted May 2, 1861; resigned February 5, 1862.
h Admitted February 5, 1862.
i Killed at Manassas, Va., July 21, 1861.
j Admitted August 7, 1861.
k Admitted January 14, 1862.

KENTUCKY.

Thomas B. Monroe. *a*
Henry C. Burnett. *a*
Thomas Johnson. *b*
John J. Thomas. *c*
Theodore L. Burnett. *c*
Daniel P. White. *d*
L. H. Ford. *e*
George B. Hodge. *f*
John M. Elliott. *g*
George W. Ewing. *h*

LOUISIANA.

John Perkins, jr.
Alexander De Clouet.
Duncan F. Kenner.
Edward Sparrow.
Henry Marshall.
Charles M. Conrad. *i*

MISSISSIPPI.

Wiley P. Harris.
Walker Brooke.
William S. Wilson. *j*
William S. Barry.
James T. Harrison.
Alexander M. Clayton. *k*
J. A. P. Campbell.
Jehu A. Orr. *l*
Alexander B. Bradford. *m*

MISSOURI.

George G. Vest. *n*
Caspar W. Bell. *n*
Aaron H. Conrow. *n*
Thomas A. Harris. *o*
John B. Clark. *o*
Robert L. Y. Peyton. *p*

NORTH CAROLINA.

George Davis. *q*
W. W. Avery. *q*
W. N. H. Smith. *q*
Thomas D. McDowell. *r*
A. W. Venable. *q*
John M. Morehead. *q*
R. C. Puryear. *q*
A. T. Davidson. *q*
Burton Craige. *s*
Thomas Ruffin. *t*

SOUTH CAROLINA.

R. Barnwell Rhett, sr.
Robert W. Barnwell.
Lawrence M. Keitt.
James Chesnut, jr.
Christopher G. Memminger.
W. Porcher Miles.
Thomas J. Withers.
William W. Boyce.
James L. Orr. *u*

TENNESSEE.

Robert L. Caruthers. *v*
Thomas M. Jones. *v*
J. H. Thomas. *v*
John F. House. *v*
John D. C. Atkins. *w*
David M. Currin. *x*
W. H. De Witt. *x*

TEXAS.

John Gregg. *y*
Thomas N. Waul. *z*
William B. Ochiltree. *z*
John H. Reagan. *aa*
Williamson S. Oldham. *aa*
John Hemphill. *bb*
Louis T. Wigfall. *l*

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a Admitted December 16, 1861.
b Admitted December 18, 1861.
c Admitted December 30, 1861.
d Admitted January 2, 1862.
e Admitted January 4, 1862.
f Admitted January 11, 1862.
g Admitted January 15, 1862.
h Admitted February 14, 1862.
i Admitted February 7, 1861.
j Resigned April 29, 1861.
k Admitted February 8, 1861; resigned May 11, 1861.
l Admitted April 29, 1861.
m Admitted December 5, 1861.
n Admitted December 2, 1861.
o Admitted December 6, 1861.
p Admitted January 22, 1862.
q Admitted July 20, 1861.
r Admitted July 22, 1861.
s Admitted July 23, 1861.
t Admitted July 25, 1861.
u Admitted February 17, 1862.
v Admitted August 12, 1861.
w Admitted August 13, 1861.
x Admitted August 16, 1861.
y Admitted February 15, 1861.
z Admitted February 19, 1861.
aa Admitted March 2, 1861.
bb Admitted March 2, 1861; died January 4, 1862.

VIRGINIA.

John W. Brockenbrough. *a*
Waller R. Staples. *a*
Robert M. T. Hunter. *b*
William C. Rives. *c*
James A. Seddon. *d*
William B. Preston. *d*
W. H. Macfarland. *d*
Charles W. Russell. *d*

VIRGINIA—continued.

Robert Johnston. *d*
Robert E. Scott. *e*
Walter Preston. *e*
Thomas S. Bocock. *f*
James M. Mason. *g*
Roger A. Pryor. *g*
Alexander R. Boteler. *h*
John Tyler. *i*

(Granville H. Oury was recognized as the delegate from Arizona Territory, from January 18, 1862.)

Senators of the First Congress of the Confederate States from February 18, 1862, to February 17, 1864.

[Compiled from official records.]

ALABAMA.

Clement C. Clay, jr. *j*
William L. Yancey. *k*
Robert Jemison, jr. *l*

ARKANSAS.

Robert W. Johnson.
Charles B. Mitchel.

FLORIDA.

Augustus E. Maxwell.
James M. Baker.

GEORGIA.

Benjamin H. Hill.
John W. Lewis. *m*
Herschel V. Johnson. *n*

KENTUCKY.

William E. Simms.
Henry C. Burnett. *o*

LOUISIANA.

Edward Sparrow.
Thomas J. Semmes. *j*

MISSISSIPPI.

Albert G. Brown.
James Phelan. *j*

MISSOURI.

John B. Clark.
Robert L. Y. Peyton. *p*
Waldo P. Johnson. *q*

NORTH CAROLINA.

George Davis. *r*
William T. Dortch.
Edwin G. Reade. *s*

SOUTH CAROLINA.

Robert W. Barnwell.
James L. Orr.

TENNESSEE.

Landon C. Haynes.
Gustavus A. Henry.

TEXAS.

Williamson S. Oldham.
Louis T. Wigfall.

VIRGINIA.

Robert M. T. Hunter.
William B. Preston. *t*
Allen T. Caperton. *u*

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a Admitted May 7, 1861.
b Admitted May 10, 1861.
c Admitted May 13, 1861.
d Admitted July 20, 1861.
e Admitted July 22, 1861.
f Admitted July 23, 1861.
g Admitted July 24, 1861.
h Admitted November 27, 1861.
i Admitted August 1, 1861; died January 18, 1862.
j Admitted February 19, 1862.
k Admitted March 27, 1862; died July 28, 1863.
l Admitted December 28, 1863.
m Admitted April 7, 1862. Appointed by the Governor.
n Admitted January 19, 1863.
o Admitted February 26, 1862.
p Died December 19, 1863.
q Admitted December 24, 1863. Appointed by the Governor.
r Resigned January 22, 1864.
s Admitted January 22, 1864. Appointed by the Governor.
t Died January 15, 1863.
u Admitted January 26, 1863.

Members of the House of Representatives of the First Congress of the Confederate States from February 18, 1862, to February 17, 1864.

[Compiled from official records.]

ALABAMA.

E. S. Dargan.
William P. Chilton.
James L. Pugh.
Jabez L. M. Curry.
John P. Ralls.
David Clopton.
Francis S. Lyon.
Thomas J. Foster. *a*
William R. Smith. *b*

ARKANSAS.

Felix I. Batson.
Grandison D. Royston.
Augustus H. Garland.
Thomas B. Hanly.

FLORIDA.

James B. Dawkins. *c*
Robert B. Hilton.
John M. Martin. *d*

GEORGIA.

Augustus H. Kenan.
Hines Holt. *e*
Augustus R. Wright.
Lucius J. Gartrell.
William W. Clark.
Robert P. Trippe.
David W. Lewis.
Hardy Strickland.
Charles J. Munnerlyn. *f*
Julian Hartridge. *g*
Porter Ingram. *h*

KENTUCKY.

Willis B. Machen.
John W. Crockett.
Henry E. Read.
George W. Ewing.
Horatio W. Bruce.
James W. Moore.
Robert J. Breckinridge, jr.
John M. Elliott.
Theodore L. Burnett. *a*
James S. Chrisman. *i*
Ely M. Bruce. *j*
George B. Hodge. *k*

LOUISIANA.

Duncan F. Kenner.
Charles J. Villeré.
John Perkins, jr.
Charles M. Conrad.
Henry Marshall.
Lucius J. Dupré.

MISSISSIPPI.

Ethelbert Barksdale.
John J. McRae.
J. W. Clapp.
Israel Welsh.
Otho R. Singleton.
Reuben Davis.
Henry C. Chambers. *a*
William D. Holder. *l*

MISSOURI.

Caspar W. Bell.
George G. Vest.
Aaron H. Conrow.
William M. Cooke.
Thomas W. Freeman.
Thomas A. Harris.

NORTH CAROLINA.

Robert R. Bridgers.
Owen R. Kenan.
Thomas D. McDowell.
Thomas S. Ashe.
J. R. McLean.
William Lander.
Burgess S. Gaither.
A. T. Davidson.
W. N. H. Smith. *a*
Archibald H. Arrington. *m*

SOUTH CAROLINA.

William W. Boyce.
William Porcher Miles.
Milledge L. Bonham. *n*
John McQueen.
James Farrow.
Lewis M. Ayer. *o*
William D. Simpson. *p*

TENNESSEE.

David M. Currin.
Henry S. Foote.
Thomas Menees.

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a Admitted February 19, 1862.
b Admitted February 21, 1862.
c Resigned December 8, 1862.
d Admitted March 25, 1863.
e Resigned previous to January 12, 1864.
f Admitted February 22, 1862.
g Admitted March 14, 1862.
h Admitted January 12, 1864. Succeeded Hines Holt.
i Admitted March 3, 1862.
j Admitted March 20, 1862.
k Admitted August 18, 1862.
l Admitted January 21, 1864, *vice* Reuben Davis, resigned.
m Admitted February 20, 1862.
n Resigned January 17, 1863.
o Admitted March 6, 1862.
p Admitted February 5, 1863.

TENNESSEE—continued.

George W. Jones.
William G. Swan.
William H. Tibbs.
E. L. Gardenhire.
John V. Wright.
Joseph B. Heiskell.
John D. C. Atkins. *a*
Meredith P. Gentry. *b*

TEXAS.

John A. Wilcox. *c*
Peter W. Gray.
Caleb C. Herbert.
William B. Wright.
M. D. Graham.
Frank B. Sexton.

VIRGINIA.

John R. Chambliss.
James Lyons.
Roger A. Pryor. *d*
Thomas S. Bocock.
John Goode, jr.
Daniel C. De Jarnette.
William Smith. *e*

VIRGINIA—continued.

Alexander R. Boteler.
Waller R. Staples.
Walter Preston.
Albert G. Jenkins. *f*
Robert Johnston.
Charles W. Russell.
James P. Holcombe. *g*
John B. Baldwin. *h*
Charles F. Collier. *i*
Samuel A. Miller. *j*
David Funsten. *k*
Muscoe R. H. Garnett. *l*

TERRITORIES.

ARIZONA.

Marcus H. Macwillie. *m*

CHOCTAW NATION.

Robert M. Jones. *n*

CHEROKEE NATION.

Elias C. Boudinot. *o*

Senators of the Second Congress of the Confederate States from May 2, 1864, to March 18, 1865, date of adjournment of the second session.

[Compiled from official records.]

ALABAMA.

Robert Jemison, jr.
Richard W. Walker.

ARKANSAS.

Charles B. Mitchel. *p*
Robert W. Johnson.
Augustus H. Garland. *q*

FLORIDA.

Augustus E. Maxwell.
James M. Baker.

GEORGIA.

Benjamin H. Hill.
Herschel V. Johnson. *r*

KENTUCKY.

Henry C. Burnett.
William E. Simms.

LOUISIANA.

Thomas J. Semmes.
Edward Sparrow.

MISSISSIPPI.

Albert G. Brown.
John W. C. Watson.

MISSOURI.

Waldo P. Johnson.
George G. Vest. *s*

a Admitted March 8, 1862.
b Admitted March 17, 1862.
c Died February 7, 1864.
d Resigned April 5, 1862.
e Resigned April 6, 1863.
f Resigned August 5, 1862.
g Admitted February 20, 1862.
h Admitted February 27, 1862.
i Admitted August 18, 1862.
j Admitted February 24, 1863.
k Admitted December 7, 1863.
l Admitted February 21, 1862.
m Admitted March 11, 1862.
n Admitted January 17, 1863.
o First appears on roll January 8, 1864.
p Died previous to November 8, 1864.
q Admitted November 8, 1864. Succeeded Senator Mitchel.
r Admitted May 24, 1864.
s Admitted January 12, 1865. Appointed by the Governor.

NORTH CAROLINA.

William T. Dortch.
William A. Graham.

SOUTH CAROLINA.

James L. Orr.
Robert W. Barnwell.

TENNESSEE.

Landon C. Haynes.
Gustavus A. Henry.

TEXAS.

Williamson S. Oldham.
Louis T. Wigfall.

VIRGINIA.

Robert M. T. Hunter.
Allen T. Caperton.

Members of the House of Representatives of the Second Congress of the Confederate States from May 2, 1864, to March 18, 1865, date of adjournment of the second session.

[Compiled from official records.]

ALABAMA.

M. H. Cruikshank.
William P. Chilton.
David Clopton.
James L. Pugh.
James S. Dickinson.
Francis S. Lyon. *a*
Thomas J. Foster. *b*
William R. Smith. *c*

ARKANSAS.

Augustus H. Garland. *d*
Thomas B. Hanly.
Rufus K. Garland. *c*
Felix I. Batson. *e*
David W. Carroll. *f*

FLORIDA.

Robert B. Hilton.
S. St. George Rogers. *g*

GEORGIA.

Julian Hartridge.
William E. Smith.
Mark H. Blandford.
Clifford Anderson.
John T. Shewmake.
Joseph H. Echols.
James M. Smith.
George N. Lester.
Hiram P. Bell.
Warren Akin.

KENTUCKY.

Willis B. Machen.
Henry E. Read.
James S. Chrisman.
Theodore L. Burnett.
Horatio W. Bruce.
Humphrey Marshall.
Ely M. Bruce.
James W. Moore.
Benjamin F. Bradley.
George W. Triplett.
George W. Ewing. *h*
John M. Elliott. *h*

LOUISIANA.

Charles J. Villeré.
Charles M. Conrad.
Lucius J. Dupré.
John Perkins, jr.
Benjamin L. Hodge. *i*
Duncan F. Kenner. *i*
Henry Gray. *j*

MISSISSIPPI.

Jehu A. Orr.
Israel Welsh.
Henry C. Chambers.
Ethelbert Barksdale.
John T. Lamkin.
William D. Holder. *a*
Otho R. Singleton. *k*

MISSOURI.

John B. Clark. *l*
Thomas L. Snead. *m*

---

a Admitted May 4, 1864.
b Admitted May 6, 1864.
c Admitted May 21, 1864.
d Elected to Senate November 8, 1864.
e Admitted November 8, 1864.
f Admitted January 11, 1865.
g Admitted May 3, 1864.
h Admitted May 24, 1864.
i Admitted May 25, 1864.
j Admitted December 28, 1864, *vice* Hodge, deceased.
k Admitted May 9, 1864.
l Admitted June 10, 1864.
m Admitted November 7, 1864.

MISSOURI—continued.

Aaron H. Conrow. *a*
George G. Vest. *b*
Robert A. Hatcher. *a*
Peter S. Wilkes. *c*
N. L. Norton. *d*

NORTH CAROLINA.

W. N. H. Smith.
James T. Leach.
Josiah Turner, jr.
John A. Gilmer.
James M. Leach.
Burgess S. Gaither.
George W. Logan.
James G. Ramsay.
Thomas C. Fuller.
Robert R. Bridgers. *e*

SOUTH CAROLINA.

William Porcher Miles.
William D. Simpson.
James Farrow.
William W. Boyce.
Lewis M. Ayer.
James H. Witherspoon. *f*

TENNESSEE.

Joseph B. Heiskell.
William G. Swan.
Arthur S. Colyar.
John P. Murray.
Henry S. Foote.
Edwin A. Keeble.
Thomas Menees.
John D. C. Atkins.
John V. Wright. *j*
James McCallum. *g*
Michael W. Cluskey. *a*
David M. Currin. *h*

TEXAS.

A. M. Branch.
Frank B. Sexton.
Simpson H. Morgan. *i*
John R. Baylor. *j*
Stephen H. Darden. *d*
Caleb C. Herbert. *d*

VIRGINIA.

Robert L. Montague.
Robert H. Whitfield.
Thomas S. Gholson.
Thomas S. Bocock.
John Goode, jr.
William C. Rives. *k*
Daniel C. De Jarnette.
John B. Baldwin.
Waller R. Staples.
Fayette McMullen.
Robert Johnston.
Charles W. Russell.
David Funsten. *g*
Samuel A. Miller. *g*
Frederick W. M. Holliday. *l*
Williams C. Wickham. *a*

TERRITORIES.

ARIZONA.

Marcus H. Macwillie.

CHEROKEE NATION.

Elias C. Boudinot.

CHOCTAW NATION.

Robert M. Jones.

CREEK AND SEMINOLE NATIONS.

S. B. Callahan. *m*

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a Admitted November 7, 1864.
b Admitted November 7, 1864. Appointed Senator January 12, 1865.
c Admitted November 8, 1864.
d Admitted November 21, 1864.
e Admitted May 24, 1864.
f Admitted May 5, 1864.
g Admitted May 3, 1864.
h Died May 21, 1864.
i Admitted May 21, 1864. Died January 16, 1865.
j Admitted May 25, 1864.
k Resigned March 1, 1865.
l Admitted May 4, 1864.
m Admitted May 30, 1864.

APPENDIX.

HEADQUARTERS JACKSON HOSPITAL, *February 14, 1865.*

Lieut. Gen. R. S. EWELL:

DEAR SIR: For my own gratification, as well as those who are taking great interest in the important question, with regard to the using of the slaves of the Confederacy as an assisting element to us in defending our homes, firesides, and country from those who would destroy us, I would respectfully say that this morning I caused the hired male slaves at this hospital to be convened, and after asking them the deliberate question, if they would be willing to take up arms to protect their masters' families, homes, and their own from an attacking foe, sixty out of seventy-two responded they would volunteer to go to the trenches and fight the enemy to the bitter end.

Very respectfully, your most obedient servant,

F. W. HANCOCK,
Surgeon in charge.

RICHMOND, VA., *March 28, 1865.*

Capt. GEORGE P. RING,
Sixth Louisiana Regiment, Montgomery, Ala.:

SIR: You are hereby authorized to raise a company of negro troops in the State of Alabama, under the provisions of the act of Congress approved March 13, 1865, as promulgated in General Orders, No. 14, Adjutant and Inspector General's Office, current series. The authority will expire sixty days from this date, if the company be not raised within that time.

By command of the Secretary of War:

JOHN W. RIELY,
Assistant Adjutant-General.

RICHMOND, VA., *March 30, 1865.*

Capt. EDWARD BOSTICK,
Company E, Twenty-sixth South Carolina Volunteers:

SIR: You are hereby authorized to raise a battalion of four companies of negro troops in the State of South Carolina, under the provisions of the act of Congress approved March 13, 1865, as promulgated in General Orders, No. 14, Adjutant and Inspector General's Office, current series. You are allowed sixty days to raise the battalion and will be detached from your command for that purpose by your commanding general.

By command of the Secretary of War:

JOHN W. RIELY,
Assistant Adjutant-General.

SPECIAL ORDERS, No. 78. } ADJT. AND INSP. GENERAL'S OFFICE, *Richmond, April 1, 1865.*

* * * * * * *

XIV. Col. K. Otey, Eleventh Regiment Virginia Volunteers, is assigned to duty at Lynchburg, Va., with authority to recruit, muster,

and organize negro troops for the Army, under the provisions of the act of Congress approved March 13, 1865, promulgated in General Orders, No. 14, current series.

* * * * * * *

XXIX. Lieut. John L. Cowardin, adjutant Nineteenth Battalion Virginia Artillery, is hereby relieved from his present command and will proceed without delay to Halifax County, Va., for the purpose of recruiting negro troops under the act of Congress approved March 13, 1865, and General Orders, No. 14, Adjutant and Inspector General's Office, current series.

By command of the Secretary of War:

JOHN W. RIELY,
Assistant Adjutant-General.

RICHMOND, VA., *April 2, 1865.*

Lieut. S. R. SHINN:

DEAR SHINN: I have delayed writing in order to be able to give you some definite information on the negro question. The Secretary of War day before yesterday directed that the authority asked for be given Colonel Otey, and I telegraphed you to that effect. I have no doubt the orders have reached him by this time. Go to work and work, work, work. If the people of Virginia only knew and appreciated General Lee's solicitude on this subject they would not longer hold back their slaves. Their wives and daughters and the negroes are the only elements left us to recruit from, and it does seem that our people would rather send the former even to face death and danger than give up the latter.

Major Carrington has been appointed superintendent for the State of Virginia and a good one he will make. I shall do something myself with a view to raising a command. I may be so situated as to need your services and to advance your interests. If so, you shall hear from me.*

Let me hear from you at once.

Yours, truly,

TH. P. TURNER.

HEADQUARTERS MILITARY DISTRICT OF FLORIDA,
Tallahassee, April 28, 1865.

SIR: The major-general commanding directs me to inform you that you are authorized to proceed at once to raise a company of "negroes" to be mustered into the service of the Confederate States for the war, subject to the provisions of the law and the orders of the Government. The appointment of the field officers will be left subject to the provisions of the law and orders of the Government.

Very respectfully, &c.,

JAMES L. FRASER,
Aide-de-Camp.

(To O. S. Jones, E. H. Bryan, M. Yong, J. J. Jilks, B. F. Davis, G. W. Kenedy, W. S. Dupont, S. Parkhill, J. Linton, and H. A. Ramsay, through Col. P. Turney, Lake City, Fla.)

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* Some strictly personal matter here omitted.

ALTERNATE DESIGNATIONS

OF

ORGANIZATIONS MENTIONED IN THIS VOLUME.

Alternate designation in black-faced type, the official designation, reference, or State to which organization belongs follows in *italics*.

Augusta Arsenal Batt., Inf., *Georgia.*
Baltimore Light Art., *2d Md. Batty.*
Barr's (J. W.) Art. See *Levi's Art.*
Blythe's (G. L.) Cav., *2d Mississippi Partisan Rangers.*
Botetourt Art., *Virginia.*
Burroughs' (W. H.) Art. See *Rhett Art.*
Cattle Batt., Cav. See *Commissary Batt.*
Cherokee Legion, *Georgia (State).*
Chesapeake Art., *4th Md. Batty.*
Chew's (W. S.) Art. See *Chesapeake Art.*
Cobb's Legion, *Georgia.*
Commissary Batt., Cav., *Florida.*
Dance's (W. J.) Art. See *Powhatan Art.*
Douthat's (H. C.) Art. See *Botetourt Art.*
Drewry's (J. W.) Art. See *Southside Art.*
Floyd Legion, *Georgia (State).*
Fluvanna Art., *Virginia.*
Foreign Batt., Inf., *8th Batt. Confederate Inf.*
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French's (D. A.) Art. See *McComas Art.*
Girardey's (V. J. B.) Inf. See *Augusta Arsenal Batt.*
Goochland Art., *Virginia.*
Griffin's (W. H.) Art. See *Baltimore Light Art.*
Holcombe Legion, *South Carolina.*
Howard's (T. B., jr.) Inf., *Georgia.*
Jackson's (T. E.) Art., *Virginia.*
Jeff Davis Legion, Cav., *Mississippi.*
Levi's Art., *Virginia.*
Lewis' (J. W.) Art., *Virginia.*
Lockhart's (H. C.) Inf., *Alabama.*
Love's (A. P.) Cav., *4th Ala. Batt.*
Lyle's (G. T.) Cav., *25th Va.*
McComas Art., *Virginia.*
McDonald's (C.) Cav. See *Forrest's Cav.*
McGuirk's (J.) Cav., *3d Miss. (State).*
Mallett's (P.) Inf., *North Carolina.*
Martin's (S. T.) Art., *Virginia.*
Military Institute Cadets, *Virginia.*
Millen's (J. M.) Cav., *20th Ga. Batt.*
Newsom's (J. F.) Cav., *18th Tenn.*
Norfolk Light Art. Blues, *Virginia.*
North Carolina, 59th Regt. See *4th Cav.*
Parker's (W. W.) Art., *Virginia.*
Penick's (N.) Art. See *Lewis' Art.*
Phillips Legion, *Georgia.*
Pickett's (R. O.) Cav., *10th Ala.*
Powers' (F. P.) Cav., *Louisiana.*
Powhatan Art., *Virginia.*
Rhett Art., *Tennessee.*
Richmond Howitzers, Art., *Virginia.*
Rockbridge Art., *Virginia.*
Russell's (A. A.) Cav., *4th Ala.*
Scott's (G. W.) Cav., *5th Fla. Batt.*
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